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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

FIRST SESSION OF THE FOURTH LEGISLATIVE COUNCIL UNDER THE GOVERNMENT OF INDIA ACT, 1919

Wednesday, the 18th March 1931

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MADRAS
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THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 18th March 1931.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. Ramachandra Reddi) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, *Kt.*, The hon. Diwan Bahadur Sir M.
Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.
Muniswami Nayudu, The hon. Diwan Bahadur B.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayarammal, Mrs. K.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Bhanoji Rao, Mr. A. V.
Birley, Mr. Frank.
Browning, Mr. W. M.
Devadason, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Ellappa Chettiyar, Rao Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Hilton Brown, I.C.S., Mr.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Kolanda Reddi, Rai Sahib C.
Kondappa, Mr. A.
Koti Reddi, Mr. K.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri.
Kuppuswami, Mr. J.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Mahmud Schamnad Sahib Bahadur, Khan Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nallatambi Sarkarai Manradiyar, Rai Bahadur N.
Nanjappah Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Mr. D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Mr. T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Pattabhiramayya, Mr. K.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Raja of Bobbili.
Raja of Kallikote.
Rajagopala Pillai, Mr. P. V.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalinga Chettiyar, Rao Bahadur T. A.
Ramamurti, Pandit Ganala.
Ramamurti, I.C.S., Mr. S. V.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Satyanarayana Choudari, Mr. C.
Sesha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Siva Raj, Mr. N.
Sivasubrahmanya Ayyar, Mr. K. S.
Soundara Pandian, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Subrahmanyam Chetti, Rao Sahib P.
Sundara Rao Nayudu, Mr. T.
Syed Tajudin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkataramayya, Rao Sahib Badeti.
Venugopal Nayudu, Rao Bahadur R. K.
Waddington, Mr. H.
Watson, I.C.S., Mr. H. A.
Yahya Ali Sahib Bahadur, Khan Bahadur.
Zamindar of Chemudu.

[*Note.*--**An asterisk (*) at the commencement of a speech indicates revision by the Member.]**

I.—RESOLUTION OF CONDOLENCE.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Mr. President, I beg to bring to your notice the unfortunate death of our Colleague, Mr. S. N. Dorai Raja. We find from the newspapers that he died on the 13th instant. We all know that the late hon. Member was a very active Member of this Council for the last four or five years. During that time he has taken a very keen interest in the deliberations of this House, and has been on a number of Committees, and worked very conscientiously and honestly. It is a matter of very great regret that he is no more. So, I beg to move—

> '*that an expression of the sincere regret of this Council at the death of Mr. S. N. Dorai Raja, M.L.C., and of deep sympathy with his family be placed on record and conveyed to them*'."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, on behalf of the Opposition I beg to associate myself with the remarks that have just now fallen from the lips of the hon. the Home Member. Mr. Dorai Raja, Sir, has been a very good friend of many of us here. As has been said, he has been an active Member of this Council. Being a scion of a noble family, he followed the traditions of his house, and has been a consistent and strong supporter of the Government. During the time he has been in this Council, he took active part in the debates, and we will miss him here as a friend and as a public worker. I therefore have much pleasure in associating myself with the remarks made by the hon. the Home Member on this occasion, and beg that you will be pleased to communicate to his relatives our message of condolence."

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I also associate myself with all that has been said on this occasion. The loss sustained by this Council on account of the death of Mr. Dorai Raja is one that every hon. Member of this House will feel very much. Mr. Dorai Raja has been an active Member of this Council. On many an occasion, he has expressed himself so strongly and so independently, even though it seemed to be against the current feeling of this Council. He never shirked from putting forward what he considered to be his view-point. He was not keeping good health for some time past, and in spite of bad health he made it a point to attend the Council as long as he could. His death is really a loss for which every Member of this House feels strongly, and I therefore associate myself with all that has been said by the Leader of the House and also by Mr. Arogyaswami Mudaliyar on behalf of the Opposition."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I would like to associate myself with the feelings of regret expressed by the hon. the Leader of the House, the Deputy Leader of the Opposition and also the hon. the Chief Minister. Sir, I have known the late Rajkumar S. N. Dorai Raja for the past five years. Though coming from an aristocratic family, he had at heart the well-being of the poor and the needy. It is a great pity that his life has been so cut short. I therefore like to say that our sincere feeling of regret and sympathy may be communicated to his family."

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Mr. ABDUL HAMEED KHAN :—" Mr. President, Sir, it is really a sad thing that our Colleague and Friend, Mr. S. N. Dorai Raja, passed away. Sir, no one can doubt this fact, that Mr. Dorai Raja had the courage of his convictions, and whenever he felt that he had to express views even against the popular opinion, he did it very graciously and very strongly. That is an admirable characteristic of the late Colleague of ours. He was a very able speaker and debater, and one who really contributed a good deal to the deliberations here, ever since he entered this Council, in the last and in this Council. Sir, we really feel the loss, and will miss Mr. Dorai Raja in this Council very much."

The hon. the PRESIDENT :—" The question is—

> 'That an expression of the sincere regret of this Council at the death of Mr. S. N. Dorai Raja, M.L.C., and of deep sympathy with his family be placed on record and conveyed to them'."

The motion was carried *nem. con.*, all the hon. Members standing.

II.—QUESTIONS AND ANSWERS

STARRED QUESTIONS

Co-operation

Increase of Co-operative Banks in Salem district.

* 641 *Q.*—Mr. K. A. NACHIYAPPA GOUNDER : Will the hon. the Minister for Public Works be pleased to state—

(*a*) the amount advanced by Government to each of the Co-operative Banks in the Salem district ; and

(*b*) whether the Government propose to increase the number of such banks in the district ?

A.—(*a*) Government have not advanced any amount till now to Co-operative Banks in Salem district.

(*b*) No. There is no demand.

Mr. K. A. NACHIYAPPA GOUNDER :—" Sir, the answer to clause (*a*) is, 'Government have not advanced any amount till now to the Co-operative Banks in Salem district.' Am I to take it, Sir, that there was no demand from such banks ? "

The hon. Mr. P. T. RAJAN :—" The answer is there, Sir."

Mr. K. A. NACHIYAPPA GOUNDER :—" My question is whether there was no demand from any of the Co-operative Banks in the Salem district for advance of money from Government ? "

The hon. Mr. P. T. RAJAN :—" I presume it is so."

Public Works Department

Appointment of the Sanitary Engineer to Government.

* 642 *Q.*—Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR : Will the hon. the Minister for Public Works be pleased to state—

(*a*) whether a successor has been fixed upon in place of Mr. Westerdale as Sanitary Engineer to Government ;

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(b) whether there is any proposal to take a man from the Public Works Department; and

(c) if so, what are his qualifications as a specialist in sanitary engineering?

A.—(a), (b) & (c) The matter is under the consideration of Government.

Mr. V. M. RAMASWAMI MUDALIYAR:—"I find the answer is, 'the matter is under consideration.' May I take it, Sir, that Government will carefully pay its attention to the qualifications of the Specialists in the Sanitary Engineering department when the appointment is made?"

[No answer.]

Registration

Representation of Oriyas in the Registration department.

* 643 Q.—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Minister for Public Works be pleased to state—

(a) how many sub-registrars there are in the Presidency;
(b) how many of them are in the upper grade;
(c) how many of them are in the selection grade; and
(d) how many Oriyas there are
(1) in the lower grade of the sub-registrars,
(2) in the upper grade of sub-registrars, and
(3) in the selection grade?

A.—(a) 621.
(b) 93.
(c) 31.
(d) (1) 14 (9 are Oriyas by birth and the remaining 5 are persons whose first language is Oriya).
(2) None.
(3) One.

Medical

Appointment of certain professors in the Madras and Vizagapatam Medical Colleges.

* 644 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that advertisements calling for applications for the appointment of professorships of Anatomy and Physiology in the Madras and Vizagapatam Medical Colleges and for Anatomy and Pathology in the Madras Medical College, have appeared in the local and foreign newspapers;

(b) whether it is a fact that other professorial appointments are also proposed to be advertised for;

(c) whether it is a fact that one of the conditions of appointment is that the ages of intending candidates should be between 28 and 40 years;

(d) why the posts have been advertised for when Provincial Medical men with requisite specialization and teaching experience are available;

(e) whether the age limits are applicable to candidates from the services; and

(f) whether it is the intention of the Government, to exclude such officers?

A.—(*a*) The Professorships of Anatomy and Physiology in the Vizagapatam Medical College and of Anatomy and Pathology in the Madras Medical College, have been advertised.

(*b*) The Medical Education Committee has recommended this course. The Government have not passed final orders on the recommendation.

(*c*) Yes.

(*d*) The posts have been advertised in accordance with the recommendation of the Medical Education Committee that recruitment to professorships in Medical Colleges should be made in the open market after advertisement of the appointments and that selection should be made solely on the grounds of merit and suitability. Men in the service also are eligible for the posts.

(*e*) Yes.

(*f*) No.

Mr. V. M. Ramaswami Mudaliyar :—" I find in answer to clause (*b*), ' the Medical Education Committee has recommended this course '. May I know why the Government has advertised in this special case without coming to a final conclusion ? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" There are a number of recommendations of the Medical Education Committee. On some of them orders have been passed. One such was the case in respect of which the advertisement was made."

Mr. V. M. Ramaswami Mudaliyar :—" With reference to clause (*c*) of of my question which describes the age limit of the candidates should be between 28 and 40, has the Government explored whether there are any such candidates among the men in service who have rendered long service ? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" Yes, Sir. The matter has been brought to the notice of the Government. They will issue orders so that men in service may compete."

Mr. Abdul Hameed Khan :—" Is the Government aware that there are men in the service who have been sent to England for higher studies, who will be qualified to take up these posts ? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" That also will be taken into consideration."

Mr. A. Ranganatha Mudaliyar :—" Have the Government come to the conclusion whether retrenchment is not possible by reducing the pay of these posts which are vacant and have to be filled up ? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" The Government have not considered it."

Mr. A. Ranganatha Mudaliyar :—" Will the Government consider the point that the pay of these posts may not be reduced when once they are filled by direct recruitment ? "

The hon. Diwan Bahadur B. Muniswami Nayudu :—" I have nothing to say. The Government however will consider."

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Revenue Department

Receipts and expenditure in the copyist section in the Revenue department.

* 645 Q.—Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: With reference to the answer to my question No. 449 (*a*), dated the 27th February 1931, will the hon. the Member for Revenue be pleased to state—

(*a*) whether there was any year in which the expenditure on copyists and copyist examiners in the Revenue department exceeded the receipts and, if so, what were those years and what was the excess expenditure in each such year; and

(*b*) what the total amount of such receipts and expenditure for the last twelve years has been?

A.—(*a*) & (*b*) The Government have called for the information.

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur :—"May I know whether the information when received, will be made available to the Members of the House?"

The hon. Mr. A. Y. G. CAMPBELL :—"I will consider the suggestion of the hon. Member."

Reduction of the copyist establishment in the Revenue offices.

11-15 a.m. * 646 Q.—Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: With reference to the answer to clause (*b*) of question 449, dated 27th February 1931, will the hon. the Member for Revenue be pleased to state whether there was any reduction in the copyist establishment of the Revenue offices and if so, on how many occasions and in how many offices?

A.—The Government have not the information.

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur :—"May I know whether the information will be called for?"

The hon. Mr. A. Y. G. CAMPBELL :—"Sir, the compilation of this information would involve considerable time and trouble and I do not think it is worth it."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur :—"This question was asked because the Government stated the other day that the strength of the copyist establishment in the Revenue department varied from year to year and consequently it could not be made permanent. Unless we know whether there has been any loss or not on account of these copyists, we cannot make out a case for their confirmation. So, I want to know what the total receipts and expenditure on the copyist establishment are."

The hon. Mr. A. Y. G. CAMPBELL :—"The Government have already called for that information with reference to question No. 645."

Jails

Ill-health of Mr. K. Mohideen Kutty in Cuddalore Jail.

* 647 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that Kurudikandathil Mohideen Kutty, prisoner No. 1977 in the Cuddalore District Jail, has been suffering from rheumatism or any other disease, and if so, how long;

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(*b*) whether he has been admitted in the hospital, and if so, how long he has been in the hospital;

(*c*) whether the medical authorities of the jail had recommended that his further detention in the jail is dangerous to his health and that he should therefore be released; and

(*d*) whether the jail authorities have made any such recommendation to the Government, and if so, whether the Government have taken any action in the matter?

A.—(*a*) The prisoner has been suffering from chronic Myelitis since April 1929

(*b*) The Medical Officer, District Jail Hospital, Cuddalore, has reported that the convict is an in-patient in that hospital; There is no information as to how long he has been there.

(*c*) & (*d*) The Medical and Jail authorities have recommended the release of the convict on medical grounds under rule 514 (1) of the Jail Manual. The question of the convict's release is under the consideration of Government.

B. Pocker Sahib Bahadur:—"May I know when the Government received the recommendation of the Jail authorities to release the prisoner?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Recently. I am not in a position to mention the exact date."

B. Pocker Sahib Bahadur:—"I find from the answer to clause (*a*) that the prisoner has been suffering from chronic Myelitis since April 1929. It is nearly two years. Is it only very recently that the Government have received a recommendation from the jail authorities for the release of the convict?"

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"There was a recommendation received some time last year, and the Government then made enquiries and found that the prisoner had only two relatives neither of whom was willing to take care of him after release. So the Government, in his own interests, could not send him out of the Jail at that time."

Political Prisoners

Number and class of political prisoners.

*648 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Law Member be pleased to state the number of political prisoners sentenced up to date with particulars of the classes they have been placed under?

A.—The hon. Member is referred to the answer given to question No. 286 on the 29th January 1931. The Government have no detailed information for the period subsequent to October 1930.

Arms Act

Cancellation of gun licences in South Kanara.

*649 *Q.*—Mr. A. B. Shetty: Will the hon. the Home Member be pleased to state—

(*a*) whether a considerable number of gun licences held by persons in the villages of South Kanara have been cancelled this time; and

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(*b*) what the number of licences cancelled is and the reasons for such cancellation?

A.—(*a*) & (*b*) The Government have no information.

Mr. U. C. Subrahmanya Bhatt:—"Sir, as the matter is a very serious one since nearly 500 gun licences have been cancelled, may I know why the Government have not called for the information?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"Before I make up my mind to call for the information, I should like to know for what period the information is needed. The question is not clear."

Mr. U. C. Subrahmanya Bhatt:—"May I know whether any gun licences were cancelled this year?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I want notice."

Cancellation of the gun licence granted to Mr. Chattukutti Nayar.

*650 *Q.*—Basheer Ahmed Sayeed Sahib Bahadur: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that the gun licence granted to Chattukutti Nayar, son in-law of the Raja of Nilambur, was cancelled and the gun confiscated suddenly;

(*b*) if so, who was responsible for such cancellation of the licence and what was the reason or justification for the same; and what was the purpose for which the licence was originally granted; and

(*c*) whether a list of all the persons whose gun licences have been cancelled in Tellicherry together with the reasons therefor will be placed on the table of the House?

A.—(*a*), (*b*) & (*c*) The Government have no information.

B. Pocker Sahib Bahadur:—"Will the Government be pleased to call for the information?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I do not think we should call for the information, because Mr. Chattukutti Nayar has got the right of appeal. It is better that he exercises that right first"

B. Pocker Sahib Bahadur:—"May I know whether he has appealed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"He has not appealed so far as I know."

Depressed Classes

Proposed acquisition of lands for the extension of the Ekambaranallur cheri.

*651 *Q.*—Mr V. M. Ramaswami Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether it is a fact that valuable wet lands measuring about 1·47 acres are sought to be acquired for the extension of the cheri site in Ekambaranallur of Wallajah taluk;

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(*b*) whether it is a fact that there are dry lands in the vicinity of the present cheri which are available for such a purpose;

(*c*) whether the authorities gave up the idea of acquisition of the wet lands in question on a former occasion;

(*d*) what is the amount which has been offered or collected from the Adi-Dravidas for the purpose;

(*e*) how many of the Adi-Dravidas who now want house-sites are really without houses;

(*f*) whether any petition has been sent to Government under section 48 of the Land Acquisition Act requesting them to give up the proposal and select some other site; and

(*g*) what action the Government have taken or propose to take on the same?

A.—(*a*) The hon. Member's attention is invited to notification published on page 1808 of Part I of *Fort St. George Gazette*, dated 2nd December 1930.

(*b*) There are dry lands adjoining the cheri, but they are not wanted by the Adi-Dravidas.

(*c*) No.

(*d*) Rs. 516 has been paid as an initial deposit by the Adi-Dravidas.

(*e*) None of the Adi-Dravidas and Arundhatiyas for whom it is proposed to acquire the sites possess sufficient accommodation.

(*f*) Yes.

(*g*) The Government see no reason to withdraw from the acquisition.

Mr. V. M. RAMASWAMI MUDALIYAR :—" In answer to clause (*b*) it is stated that the site is not wanted by the Adi-Dravidas. Are the Government aware that on a previous occasion the same question was raised and the matter was dropped? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Notice. "

Mr. V. M. RAMASWAMI MUDALIYAR :—" May I know whether the Government does not deem it their duty to decide between one set of contestants and the other? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" It is not possible to answer a theoretical question. "

Mr. V. M. RAMASWAMI MUDALIYAR :—" Sir, clause (*e*) of the question asks the hon. the Home Member to state how many of the Adi-Dravidas who now want house-sites are really without houses and the answer is that none of the Adi-Dravidas and Arundhatiyas for whom it is proposed to acquire the sites possess sufficient accommodation. It is no answer at all. I should like to have an answer to clause (*e*). "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" It is not possible for me to make the answer clearer. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know why wet lands have been chosen for the cheris? On sanitary grounds I do not think they are suitable. "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Evidently those were the only lands available. "

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Mr. M. A. MANIKKAVELU NAYAKAR :—" May I know why the Government are very particular about acquiring those lands only ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" For the benefit of those people. "

Alleged ill-treatment of depressed classes in Ramnad district.

*652 Q.—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased—

(i) to lay on the table of the House the report received from the Collector of Ramnad regarding the ill-treatment of depressed classes in that district as alleged in the memorandum submitted to Government by the President of the Adi-Dravida Mahajana Sabha ; and

(ii) to state what action has been taken on that report ?

A.—(i) The attention of the hon. Member is invited to answer to question No. 658 [a]. The Government are not prepared to adopt the suggestion.

(ii) It did not call for any action.

Mr. A. B. SHETTY :—" May I know what the District Magistrate says in his report regarding the allegations made in the memorial ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" The question has been fully answered in reply to question No. 658. "

Mr. A. B SHETTY :—" May I know what objection the Government have to place the report of the District Magistrate on the table of the House ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" There is no necessity for that. I have given the gist of the report in the answer to question No. 658. "

Mr. T. C. SRINIVASA AYYANGAR :—" May I know whether some miscellaneous cases are not pending with the Subdivisional Magistrate in connexion with this matter ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" Notice. "

Mr. W. P. A. SOUNDARA PANDIAN :—" In answer to clause (*a*) the Government say that they are not prepared to accept the suggestion of the hon. Member. May I know what action they propose to take in the matter considering the grievous nature of the case ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" In view of the report received from the District Magistrate mentioned in the answer to question No. 658, I do not see what the Government can do in the matter. "

Rao Sahib V. I. MUNISWAMI PILLAI :—" May I know whether the hon. Member has received any telegram from the President of the Ramnad Adi-Dravida Association during the last ten days ? "

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—" I might have received some telegram ; I do not remember it. "

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a Printed on page 307 infra.

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Rao Sahib V. I. Muniswami Pillai :—" Will the hon. the Home Member kindly enquire whether there has been any murderous assaults on the Adi-Dravidas of some of the villages in Ramnad ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " Yes, I shall enquire."

Rao Sahib V. I. Muniswami Pillai :—" What action will the Government take in the matter ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " I should first enquire before considering the question of taking any action."

Rao Sahib V. I. Muniswami Pillai :—" Are the Government aware that the depressed class members both here and outside feel very deeply in the matter ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :—" It may be so, but we must get at the facts before deciding upon action."

Mr. A. B. Shetty :—" Do Government propose to appoint any committee as asked for in the resolution of my hon. Friend, Mr. Soundarapandiyan ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :— " That question has been answered in another connexion."

Diwan Bahadur R. N. Arogyaswami Mudaliyar :—" Seeing that the notice of this question was given early, why have not the Government already called for the information ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :—" We have called for it and we have given the gist of it."

Mr. T. C. Srinivasa Ayyangar :—" I merely rise to ask whether steps are not being taken by the police in connexion with cases where the Adi-Dravidas have made complaints and whether such cases are not pending before the Court of the Subdivisional Magistrate ? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :—" I do not know. I know that there is a lot of factious feeling there."

Government Press

Alleged circularization of Mr. Justice Waller's judgment in C.S. No. 650 of 1927 amongst officers.

*653 Q.—Mr. C. Basu Dev: Will the hon. the Home Member be pleased to state—

(a) whether the Government will be pleased to lay on the table G.O. No. 723, Public, dated 4th October 1926 ; and

(b) whether the Government have accepted the judgment of Mr. Justice Waller in C.S. No. 650 of 1927 on the file of the High Court, Madras, and whether copies of the same have been printed and circulated among all the officers and, if so, for what purpose ?

[18th March 1931

A.—(*a*) There is no Government Order numbered 723, Public, and dated 4th October 1926.

(*b*) The Government have not appealed against the judgment of Mr. Justice Waller in C.S. No. 650 of 1927 on the file of the High Court, Madras. Copies of the judgment were printed and communicated to Heads of Departments for information.

Motor Vehicles Act

Revision of the rules under the Motor Vehicles Act.

* 654 *Q.*—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(*a*) whether the Committee appointed to revise the rules under the Motor Vehicles Act have submitted their recommendations to the Government; and

(*b*) whether they have suggested any measures to reduce the number of motor accidents; and, if so, what action Government propose to take in this matter?

A.—(*a*) The sittings of the Committee have been postponed pending the receipt of the Standardized Motor Vehicles Rules which the Government of India have under contemplation.

(*b*) Does not arise.

Mr. ABDUL HAMEED KHAN :—"May I ask whether the Government will be pleased to consult organizations of owners of motor vehicles which will be affected by these rules?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"The sittings of this committee have been postponed on account of the fact that the Government of India have summoned a committee including one or two representatives from Madras for considering the question of standardizing the Motor Vehicles Rules. Only after that committee has come to some decision we can take up the question whether this committee should sit or not. Everything will be considered after we know the decision of the Government of India."

Mr. ABDUL HAMEED KHAN :—"If there is any need for this committee to sit, will the Government consider my suggestion?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"The request of the hon. Member will be borne in mind."

Police

Oriya Deputy Superintendents of Police.

* 655 *Q.*—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Home Member be pleased to state how many of the Deputy Superintendents of Police in the Presidency are Oriyas?

A.—None.

Sriman M. G. PATNAIK Mahasayo :—"May I know why no Oriya was appointed?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—"Because no suitable candidate was available."

18th March 1931]

Throwing of stones on picketers by the police at Frazer's Bridge road.

* 656 *Q.*—Mr. Abdul Hameed Khan : Will the hon. the Home Member be pleased to state—

(*a*) whether on Thursday evening (12th February 1931) policemen threw stones on peaceful picketers and sightseers while picketing was going on at Frazer's Bridge road at about 5 p.m.; and

(*b*) whether the Government have taken any steps to call for information on the matter and what action they have taken to deal with the offending policemen?

A.—(*a*) No.

(*b*) The Government have already satisfied themselves that the allegation is false. The second part of this clause does not therefore arise.

Memorandum from the Madras Piecegoods Association regarding police excesses in Godown street.

* 657 *Q.*—Rai Sahib C. K. Reddi : Will the hon. the Home Member be pleased to state—

(*a*) whether he received a communication on or about 5th February 1931 from the Madras Piecegoods Association condemning police excesses by the free use of lathis on peaceful picketers of foreign cloth-shops in Godown street and also on innocent bystanders, stating that it is the presence of the police at picketing places that draws crowds, and requesting the Government to put a stop to the merciless belabouring of the unresisting volunteers and to the lathi regime;

(*b*) whether he proposes to comply with this request; and

(*c*) if not, why not?

A.—(*a*) Yes.

(*b*) & (*c*) The Government do not admit the correctness of either the allegations or the implications contained in the Association's letter and do not therefore propose to take any action upon it.

UNSTARRED QUESTION

Depressed Classes

Alleged ill-treatment of depressed classes in Devakottai subdivision.

658 *Q.*—Diwan Bahadur A. M. M. Murugappa Chettiyar : Will the hon. the Home Member be pleased to state—

(*a*) whether the Government have received any reports either from the Collector of Ramnad or from the Divisional Officer of Devakottai regarding the alleged ill-treatment of the depressed classes in the Devakottai subdivision; and

(*b*) whether there have been any cases of actual ill-treatment of the depressed classes in the said area and if so, whether he will be pleased to place before the House the circumstances and details of the alleged ill-treatment?

A.—(*a*) A report was obtained from the District Magistrate of Ramnad on a memorial submitted to Government complaining of the ill-treatment of the depressed classes of Devakottai.

(*b*) No case of ill-treatment has been reported by the District Magistrate.

[*Note*.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—THE VOTING OF DEMANDS FOR GRANTS FOR 1931-32.

DEMAND X—SECRETARIAT AND HEADQUARTERS ESTABLISHMENTS, DISTRICT ADMINISTRATION AND MISCELLANEOUS—RESERVED —*cont.*

Mr. ABDUL HAMEED KHAN:—" Sir, I move—

' *that the allotment of Rs.* 8,14,500 *for Secretariat and Headquarters Establishments—Civil Secretariats be reduced by Rs.* 100.'

" The object of this motion is to urge the need for the introduction of a selection grade for the clerks of the Secretariat who are in the lower division. There are a large number of clerks in the Secretariat who have reached the maximum pay in their cadre long ago. They have no hope of being promoted to the upper division at all. Sir, for these clerks in the lower division, it seems to me that there should be a selection grade introduced so that such of them as have been drawing the maximum salary for a number of years with no possibility of their being promoted to the upper division in the near future may have some increments given to them. "

* The hon. Mr. A. Y. G. CAMPBELL:—" Mr. President, the question of providing a selection grade for Secretariat clerks received consideration when their pay was fixed and the idea was given up mainly for two reasons. In the first place, there are seven Secretariat departments and it would be difficult to distribute these selection grade posts equitably among them all and, in the second place, the work of the clerks when they were promoted to the selection grade would not be altered in any way by any special responsibility being attached to them. There is, therefore, no particular justification for a selection grade. What was done was to raise the maximum pay of the Secretariat clerks, in the time-scale fixed. The maximum pay of these clerks is higher than that of the clerks in the ordinary Madras offices. The maximum pay in the time-scale of pay of clerks in (B) and (C) class offices was fixed at Rs. 65 and that for Secretariat (A) class offices was fixed at Rs. 80, the pay rising from Rs. 65 to Rs. 80 by increments of three rupees. If a selection grade is introduced, we should have to reduce the maximum pay in the scale to Rs. 65. On the whole, the Government thought that the present system is better than having a selection grade. Under the present arrangement, all the clerks can rise to Rs. 80 in the time-scale and also if qualified have the chance of promotion to be Superintendent and Assistant Secretary."

The motion was by leave withdrawn.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" Mr. President, I move—

' *to reduce the allotment of Rs.* 93,300 *for the Board of Revenue by Rs.* 100 '

18th March 1931] [Mr. M. Gopalaswami Mudaliyar]

with the object of drawing the attention of the Government to the necessity of abolishing the Board of Revenue as it is an unnecessary establishment and as it would be a right step in the direction of retrenchment. I do not want to take much time of the House by dwelling on this question at great length. Sir, I have been a practising lawyer for the last 35 years and as such, I have had occasion several times to go to the Board on my own behalf as well as on behalf of my clients. Several times, I have made a request to allow me to appear before the Board and every time I have received the same stereotyped reply that I could not be permitted to appear. The stereotyped endorsement that the Board sees no reason to interfere is given to one and all. An institution of that kind in my opinion ought not to exist."

* The hon. Mr. A. Y. G. CAMPBELL:—" Mr. President, Sir, the hon. Mover of this motion has been very brief in presenting his case although this question of the abolition of the Board of Revenue is a very important one. This question has been discussed at considerable length on former occasions and has been considered very carefully from time to time. There are two ways in which the work now done by the Members of the Board of Revenue can be done. One by having Territorial Commissioners and the other by having a Board whose Members divide the subjects between them; in one or two provinces, there are, I believe, a Board of Revenue or a Financial Commissioner, in addition to Territorial Commissioners. If we adopt the system of having Territorial Commissioners, the expenditure is bound to be very much higher than it is now as we should require more Commissioners than Members of the Board of Revenue. It is impossible for the Government to take over the work of the Board of Revenue. The Board hears great many appeals from the Collectors' decisions and disposes of many details and carries out a great deal of detailed inspection. You can hardly expect the Member for Excise to undertake important duties now done by the Commissioner in connexion with these appeals, inspections and so on. There must be some intermediary between the Government and the local officers of the districts, and the present arrangement which has stood the test of many decades is the most economical method of providing this intermediate authority. For these reasons, I am afraid I cannot accept this motion."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, 11-30 a.m. Sir, I think I must press my motion to a division. Whatever may be the fate of this motion, at least the voting strength will be taken into consideration by the Finance Committee which has been appointed as the Retrenchment Committee to go into the question of retrenchment in this Province."

The motion was put and lost.

* Swami A. S. SAHAJANANDAM, in moving the motion—

'that the allotment of Rs. 2,24,84,200 *for District Administration be reduced to Rs.* 100'

[Swami A. S. Sahajanandam] [18th March 1931

in order to discuss the work of the Collectorate, spoke in Tamil as follows:—

"கலெக்டர்களின் வேலைகள்.

"ஜில்லாகளுக்கு கலெக்டர்களே அரசர்கள் என்று கூறலாம். அவர்கள் கையில் சிருஷ்டி, திதி, சம்மாரம் முத்தொழிலுமிருக்கிறது. அவர்கள் மிகவுஞ் சுதந்தரவாதிகளாயிருக்க வேண்டும். அவர்கள் தங்களுக்கு மேலுள்ள மாகாண அரசாங்கத்தார் எவ்வித கொள்கைகள் கொண்டுள்ளார்களோ அவ்வித கொள்கைகளை அனுஷ்டானத்தில் கொண்டு வரவேண்டும். அவர்கள் உத்தரவுகளை அனுஷ்டானத்தில் நடத்திக் காட்ட வேண்டும். ஆனால் அரசாங்க நோக்கம், உத்தரவு, தனது மனசாட்சி முதலியவற்றைக் கொண்டு சிலர் அருமையாக நிருவாகஞ் செய்தார்கள். தற்போதும் செய்து வருகிறார்கள். தற்போது சிலர் அரசாங்க கொள்கை உத்தரவு, மனசாட்சி, தனது உத்தியோகத்தின் பொறுப்பு முதலியவற்றை கவனியாது நடந்து வருகின்றனர். அரசாங்கத்தார் சம்பளம் கொடுத்து அதிகாரம் கொடுத்து மக்களுக்கு பாது காப்புச் செய்கின்றனர். சிலர் அப்பதவியையேற்றுக் கொண்டு அவற்றிற்கு எதிராக நடக்கின்றனர். அவர்கள் தங்களுக்கு மேல் ஒரு அரசாங்கம் இருக்கிறது என்ற கொள்கைகளை மறந்து விட்டனர்போலும் உதாரணம் வேறிடத்திலிருந்து சொல்வதைவிட எனது அனுபவத்தில் கண்டதைச் சொல்வதே சாலச் சிறந்தது. தென்னாற்காடு ஜில்லாவிற்கு தற்போது கலெக்டராயுள்ளவர் கனம் F.L. பிரிக்ஸ்டாக் துரையவர்கள் அவர்கள் அவ்வூருக்கு வந்ததும் ஓர் பிரிட்டிஷ் ஆபீஸர் வந்துள்ளார் ஆதலால் இனி நாடு ஒழுங்காகிவிடுமென நினைத்தேன். இவருக்கு முன் கனம் உபேந்திரபாயவர்கள் கலெக்டராயிருந்தார். ஆனால் அவர் காலத்தில் ஆதிதிராவிடர்களுக்குத் தீங்குண்டாகவில்லை. பெருந்தன்மை வாய்ந்தவர். ஒரு வகையில் அவர் பிராமணர்களுக்கு ஆக்கந் தேடினார். அது சிதம்பரத்தில் 1928-வது ஆண்டில் நடந்த முனிசிபல் எலக்ஷன் பேப்பர்களைப் படித்தால் தெரிந்து கொள்ளலாம். அவர் காலத்தில் தற்போது சிரஸ்ததாராயிருக்கும் திரு C. V. வெங்கடராமய்யர் அவர்கள் சிதம்பரத்தில் தாசில்தாராயிருந்தார். அவர் தாசில்தாரா யிருந்த காலத்தில் செய்த அக்கிரமங்களுக்கு அளவே இல்லை. அவர் தற்போதும் சிரஸ்ததாராயிருந்து செய்துவரும் அக்கிரமங்களுக்கு கேள்வி முறையில்லை. அவர் எந்த உத்தியோகத்தை வஹித்தாலும் அது சமையமிருக்கும் கலெக்டர்களை தன் வசப்படுத்திக் கொண்டு தனது இஷ்டத்திற்கு அவர்களை ஆட்டி வைக்கிறார். கனம் உபேந்திரபாய் அவர்களுக்குப் பின் வந்து தற்போதிருக்கும் கனம் பிரிக்ஸ்டாக் துரையவர்கள் முழுவதும் வெங்கட்டராமையர் வசம் தனது நிருவாகத்தை ஒப்புவித்து விட்டார். தற்போது தென்னாற்காடு ஜில்லா நிருவாகம் வெங்கட்டராமய்யர் கையில் தானிருக்கிறது. இதனை பின் வருஞ் செய்திகளால் தெரியலாம்.

"உபேந்திரபாய் பிராமணர்கள் சார்பாகவே சிதம்பரம் முனிசிபல் நிருவாகத்தை திருப்பினார். அவருக்குப் பின்வந்த பிரிட்டிஷ் ஆபீஸர் கனம் பிரிக்ஸ்டாக் துரையவர்கள் காலத்தில் நிருவாகம் நன்றாகவிருக்குமென நினைத்தோம்! அவர் எப்படியோ இதற்கு முன் இரண்டு முறைசிரஸ்ததாராயிருந்து சிதம்பரம் தாசில்தாராயிருந்த C. V. வெங்கட்டராமையரை மறுபடியுஞ் சிரஸ்ததாரா யழைத்தார் இது அப்பதவிக்கு வேறெவரும் லாயக்கில்லையென்றோ ? அல்லது அவருக்கும் துரைக்கும் எற்கனவே சேலத்திலிருந்தே சிநேகங் கொண்ட தன்மையாலோ வேறெக் காரணத்தாலோ தெரியவில்லை. கனம் பிரிக்ஸ்டாக் துரையவர்கள் தென்னாற்காட்டிற்கு வரும்போதே பேப்பர்கள் பைசலாகாமலிருக்கின்றனர், உடனுக்குடனே பைசல் செய்ய வேண்டுமென மேல் உத்தரவு கிடைத்ததாம். அதனால் கனம் துரையவர்கள் கொள்கையெல்லாம் பேப்பர் பைசலாவது ஒன்றிலேயே திருஷ்டி, பைசலாகும். பேப்பரால் குடிகளுக்கு நியாயம் கிடைக்கிறதா, அநியாயம் கிடைக்கிறதா, என்னும் கவலையே அவருக்கில்லை. முக்கியமாக ரெவினியூ போர்டுக்கும் கவர்ன்மெண்டுக்கு போகும் பேப்பர்களைத்தான் அவர் பார்ப்பார். ஆனால் தனக்குக் கீழுள்ள குடியானவர்களின் வேண்டுகோள் நியாயங்களை அவர் கவனிப்பதில்லை. இந்த இடத்தில் வெங்கட்டராமைய்யர் என்ன எழுதி வைத்திருக்கிறாரோ

18th March 1931] [Swami A. S. Sahajanandam]

அதில் கண்ணை மூடிக்கொண்டு கையெழுத்துப் போடுவார். அது விஷயமாக ஏதேனும் ஆட்சேபனை மனுக்களனுப்பினாலும் அவற்றையும் வெங்கட்டராமையரிடமே கொடுத்துவிடுவார். துரையவர்களுக்கு வெங்கட்டராமையர் அக்கிரமத்தைப்பற்றி ஒரு டி. ஓ. அனுப்பினாலும் அதனையும் வெங்கட்டராமையரிடம் கொடுத்துவிடுவார். வெங்கட்டராமய்யர் குடிகளுக்கு எவ்வித இடையூறுகள் செய்தாலும் பேப்பர்களைத் தங்கவிடாமல் பைசல் செய்கிறாரே என்னும் எண்ணமே துரையவர்களுக்கு திருப்தியளிப்பதுபோலும்.

"ஏற்கனவே இருந்த அரசாங்க நிருவாக சபை அங்கத்தினர்களும், கவர்னர்களும், கலெக்டர்களும் ஆதிதிராவிடர்கள் மீது இரக்கம் வைத்து சிதம்பரத்தில் சிறிது இடம் கொடுத்து பாடசாலை துடங்க உதவி புரிந்தார்கள். அது தற்போது நந்தனார் கலாசாலையாகவும், மாயர் ஹாஸ்டல், கிரே ஹாஸ்டல், திருப்பாணாழ்வார் பாடசாலை, சற்குரு பாடசாலை முதலியனவாக நடந்து வருகிறது. அதற்கு கனம் ஸர். பி. ராஜகோபாலாச்சாரியார், ஸர். சதாசிவ ஐயர், ஸர். ஜ்யார்ஜ் பாடிசன் இவர்கள் சிபார்சால் கலெக்டர் கனம் கப்பிதுரையவர்கள் 51 ஏக்கர் 60 செண்ட் நிலம் கள்ளிப்பாடி கிராமத்தில் 1920-ம் வருஷம் கொடுத்தார்கள். அதில் இது வரை சற்றேறக்குறைய 10,000 ரூபாய்கள் வரையில் பணஞ் செலவழித்து நல்ல நிலமைக்கு நிலம் வந்துள்ளது. அதன் அரசாங்க உத்தரவில் நிலத்திற்கு தனி கணக்கு வைக்க வேண்டுமென்றும் வருஷந்தோறும் கனம் கலெக்டருக்கும், கனம் கல்வி இலாகா டைரக்கடருக்கும் கணக்கு அனுப்ப வேண்டுமென்றும் தவறான வழியில் பணஞ் செலவழிக்கக்கூடாதென்றும், கண்டிஷன்களுக்கு மாறாக நடந்தால் நிலங்களைத் திருப்பி எடுத்துக் கொள்ளப்படுமென்றும் குறிக்கப்பட்டுள்ளது. அதில் ஏப்ரல் மாதம் 15உக்குள் கலெக்டர்களுக்கும், கல்வி இலாக்கா டைரக்டருக்கும் நிலத்தின் கணக்குகளை அனுப்ப வேண்டுமென்றிருக்கிறது. இதற்கிடையில் பாடசாலையில் அதன் சொத்துக்கள் அனைத்தும் ஒரு மனிதர் நிருவாகத்தில் இருக்கக்கூடாது அது ஒரு பதிவான சபையினிடம் ஒப்புவிப்பது நலமென்று முன்னர் ரெவினியூ மெம்பராயிருந்த கனம் ஸர். மகமத் அபிபுல்லா பகதூர் சிதம்பரம் வந்தபோது நேரே பார்த்து அதன் மானேஜரிடம் சொன்னார்கள். உடனே 1923-வது ஆண்டு மார்ச்சு மாதம் ஸ்ரீநந்தனார் கல்விக் கழகம் எனவொரு சபையை ஏற்படுத்தி அதற்குச் சட்ட திட்டங்கள் வரைந்து சொஸைட்டி ரிஜிஸ்தரேஷன் ஆக்ட் 1860-வது வருஷம் 21 ஆக்டின் கீழ் பதிவு செய்யப்பட்டு பதிவான அதன் கீழ் தற்போது நிருவாகம் நடைபெற்று வருகின்றது. ஸ்தாபனங்கள், தனிப்பட்டவர் கையிலிருந்த போதும் சபையினிடம் வந்த பிறகும் வருஷா வருஷம் ஏப்ரல் மாதத்திலேயே கணக்கு அனுப்பிவிடுவது வழக்கம். கணக்குகள் போன பிறகு அவற்றை கழகத்தாரிடமிருக்கும் கணக்குகளோடு ஒத்திட்டுப் பார்க்கும்படி கனம் கலெக்டர் தாசில்தாருக்கும் டைரக்டர் பாடசாலைகளின் இன்ஸ்பெக்டருக்கும் அனுப்புவார்கள். அவர்கள் வந்து கணக்கை ஒத்துப் பார்த்து எங்கள் கணக்கு புத்தகங்களில் குறிப்பெழுதி விட்டு மேலுக்கும் ரிப்போர்ட் செய்வார்கள். ஏதேனும் தவறுதல் இருந்தால் நேராகவோ எழுத்து மூலமாகவோ கேட்பார்கள். அவற்றிற்குப் பதிலளித்த பிறகு மேலுக்கு ரிப்போர்ட் செய்வார்கள் பின்னர் கலெக்டரும், டைரக்டரும் எங்களுக்கு ஆடிட் ரிப்போர்ட் மீது அபிப்பிராயம் தெரிவிப்பார்கள். ஆனால் உபேந்திரபாய் காலத்தில் 1927–28-ல் C. V. வெங்கட்டராமய்யர் சிதம்பரம் தாசில்தாராக வந்து சேர்ந்தார். அவர் அங்கு ஆதிதிராவிடர்களின் முன்னேற்றத்தில் அழுக்காறு கொண்ட சிலர் வார்த்தைகளைக் கேட்டுக் கொண்டு எப்படியாகிலும் ஆதிதிராவிடர்களின் ஸ்தாபனத்தை அழித்துவிட வேண்டுமென்னுங் கருத்துக் கொண்டு தன்கையில் கிடைத்த அதிகாரத்தை துஷ்பிரயோகஞ் செய்ய ஆரம்பித்தார். 1927–28 ஆண்டுகளின் நந்தனார் கல்விக் கழகத்தின் கணக்குகளைப் பார்த்து தனக்குச் சம்பந்தமில்லாததும் G.O.-விற்கு விரோதமானதுமான சில கேள்விகளைக் கிளப்பினார். நிலக்கணக்கிற்குச் சம்பந்தமில்லாத பயனற்றவைகளை பிரமாதப்படுத்தினார். தப்பு ரிப்போர்ட்டு எழுதினார். அது கேள்விக்கு வந்தவுடன் பதிலெழுதலாமென கழகத்தின் காரியதரிசி காத்திருந்தார். அது விஷயமான ரிமார்க் கலெக்டரிட மிருந்து 1929-ம் ௵ ஆகஸ்ட்டு ௴ 18உயில் வந்தது. 1929-ம் ௵ அக்டோபர் ௴ 10உயில்

[Swami A. S. Sahajanandam] [18th March 1931

டைரக்டர் அவர்களும் D.E.O. மீதும் ரிமார்க்கு அனுப்பினார். 1928-ம் ஆண்டு எப்ரல்௴ அனுப்பிய கணக்கிற்கு 1929-வது வருஷம் 10 மாதம் ரிமார்க்கு வருமானால் அதற்கு எப்படி பதிலெழுதுவது 1929-வது ஆண்டு கணக்கு 1929-வது ஆண்டு எப்ரல் மாதம் போயிருக்கிறது. அதன் முடிவும் தெரியவில்லை ஆகவே 1927–28, 1928–29 ஆண்டுகளில் குறிப்பாக என்ன தவறுகள் கண்டு பிடித்தீர்களென்று 1929-ம்௵ நவம்பர்௴ 11௳யில் கலெக்டருக்கு எழுதிக் கேட்டார்கள். அதற்குப் பதில் 1930-ம்௵ மார்ச்சு௴ 17௳யில் அது அபிஷியல் கரஸ்பாண்டென்ஸி ஆதலால் கொடுக்க முடியாதெனச் சொல்லிவிட்டார். உடனே சிதம்பரத்தில் டிப்டி கலெக்டராயிருந்த கனம் லோபோ அவர்களிடம் சொன்னோம். அவர் ரிமார்க்கில் சொல்லியபடி கவுல் சீட்டும், பேரேடும் வைத்துக் கொள்ளுங்களென்றார். கவுல் சீட்டிருக்கிறது. எங்கள் கணக்கில் பிழைஇல்லையே எப்படி பிழையை ஒத்துக் கொள்வதென கேட்டார்கள் அவர்கள் எச்சரிக்கை செய்திருக்கிறார்கள் அதனால் பாதகமில்லை இதைப்பற்றி ஒன்றும் எழுதி கிளர்ச்சி செய்ய வேண்டாம் எதிர் காலத்தில் சரியாக வைத்துக் கொள்ளுங்களென்றார்கள். மார்ச்சு மாதம் 17௳யில் வந்தபடியால் புது வருஷம் அதாவது 1929–30-ம்௵ கணக்கைப் பார்க்கும் நேரம் வந்துவிட்டபடியால் இதில் எவ்வாறு தணிக்கை நடக்கிறது பார்க்கலாமென்றிருந்தோம். 1930-ம்௵ நவம்பர்௴ 25-யில் கணக்கு சரியாகயில்லையென்று டைரக்டர் சொல்லுகிறாரென்று கலெக்டரிடமிருந்து கடிதம் வந்தது, டைரக்டரும் கலெக்டர் கணக்கு தவறென்று எழுதுகிறார் அடுத்த வருஷம் தப்பா யிருந்தால் நிலத்தை எடுத்துக் கொள்வோமென்று எழுதினார். 1930-ம்௵ நவம்பர்௴ 28௳யில் கலெக்டருக்கு 1929–30-ம் ஆண்டு கணக்குப் பார்த்த தாசில்தார் ரிப்போர்ட் என்னை அப்ஜெக்ஷன் நோட்டிஸ் என்னவென்றும் அவற்றையனுப்பினால் பதில் அனுப்புகிறோமென்றுங் கேட்டோம். 1930-ம்௵ டிசம்பர்௴ 18௳-யில் ரிப்போர்ட் கொடுக்க முடியாதென்று எழுதிவிட்டார். உடனே கழகத்தார் அரசாங்க நற்சாட்சி பத்திரமுடைய ஒரு G.D.A. கொண்டு பரிசோதித்து அவர் சரியா யிருக்கிறதென்று கொடுத்த ரிப்போர்ட்டையும் அனுப்பி எந்த விதத்தில் பிசகு சொல்லுகிறீர்களென்று கலெக்டருக்கும், கனம் டைரக்டருக்கும் எழுதினோம் அதன் காப்பி கனம் லேபர் கமிஷனருக்கும் அனுப்பினோம் அதற்கு முன்னிருந்த கலெக்டர் செய்த ரிமார்க்கை மாற்ற முடியாது இனி, பேரேடு, கவுல்சீட்டு, வவுச்சர்கள் வைத்துக் கொண்டால்எங்களுக்கு ஆட்சேபனை இல்லையென்று எழுதினார். 1929–30, கணக்கில் கவுல்டீட் இல்லையா ? பேரேடு இல்லையா ? வரவு ஜட்டத்தில் தப்புண்டா செலவிட்டத்தில் தப்புண்டா என்று கேட்டு 1931-ம்௵ பிப்ரவரி௴ 12௳-யில் எழுதி யிருக்கிறோம் அதாவது குறிப்பிட்டுச் சொல்லவேண்டுமெனக் கேட்டிருக்கிறோம். இது வரைக்கும் பதிலில்லை. கனம் லேபர் கமிஷனரும், டைரக்டரும் என்ன நடவடிக்கைகள் எடுத்துக் கொண்டார்களெனத் தெரியவில்லை இதனைத் தெளிவிக்கவே பாடசாலையின் நிலைமைகளைப்பற்றியும் திருப்திபற்றியும் ஹாஸ்டல் கணக்குகளைப்பற்றியும் அவற்றை ஆடிட் செய்த லோக்கல்பண்டு எக்சாமினர் ஆடிட் குறிப்புப்பற்றியும் இச்சபையில் கேள்விகள் கேட்டோம் திருப்திகரமாகவே பதிலளித்துள்ளார்கள். இது சம்பந்தமாக கனம் மாணிக்கவேலு நாயகரவர்கள் 413-வது நெம்பர் கேள்விகள் கேட்டார் அதற்கு அது சமயம் பதில் சொல்லவில்லை. முழுவதும் பொய்யான அபிப்பிராயங்களை தனிமையாக கனம் ரெவினியூ செக்ரடெரி எழுதி யிருக்கிறார். இதனை ஒத்துப் பார்த்தால் பொய் ரிப்போர்ட் என்பது வெட்ட வெளிச்சமாகிவிடும். நிருவாகத்தில் எவ்வளவு அக்கிரமங்கள் நடந்துள்ளன என்பது ராவ் சாஹிப் தருமலிங்கம் பிள்ளையவர்கள் கேட்டுள்ள கேள்விகளைக் கொண்டு பார்த்தால் தெரியவரும். தென்னார்காடு ஜில்லா கலெக்டர் ஆபீஸைப் பொறுத்த வரை ஆதிதிராவிடர்களுக்கு யாதொரு நன்மையுமில்லை. பிராமணரல்லாதாருக்கு மிகவும் இடையூறே விளைகிறது. உடனே சிரஸ்த்ததாரை அவ்விடம் விட்டு மாற்ற வேண்டும். ஜில்லாக்களில் கலெக்டர்கள் நிருவாகம் சரியாக இல்லை.''

* The hon. the PRESIDENT :—" The time allotted for the discussion of this demand is over. The hon. Member will kindly resume his seat. I will now put the main demand to the vote of the House,

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" The question is—

'*that the Government be granted a sum not exceeding Rs.* 2,38,23,900 *under Demand No. X—Secretariat and Headquarters Establishments, District Administration and Miscellaneous—Reserved* '. "

The Demand was carried and the grant made.

DEMAND XI—MINISTERS, CIVIL SECRETARIATS AND MISCELLANEOUS—TRANSFERRED.

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" On the recommendation of His Excellency the Governor, I beg to move—

'*that Government be granted a sum not exceeding Rs.* 4,68,200 *under Demand XI—Ministers, Civil Secretariats and Miscellaneous—Transferred* '."

* Mr. A. RANGANATHA MUDALIYAR :—" I beg to move—

'*that the allotment of Rs.* 2,40,000 *for Ministers be reduced by Rs.* 100 '

" Sir, the purpose for which I have tabled this cut motion is stated in the Agenda[a]. You know, Sir, in the recent Act which was passed by the Legislative Council, it was taken for granted that a taluk board will be constituted in each revenue taluk as a matter of course, and that if it was to be deviated from it would be only in exceptional cases it would be done so. Recently I have found that the Inspector of Local Bodies has sent out a circular to the taluk board presidents to submit proposals for the constitution of circles and in doing so, he has not asked them to send proposals for circles for each revenue taluk but circles for each taluk board area. So that, if a taluk board president was so inclined he might have submitted proposals for circles comprising villages not only of one taluk but of more than one revenue taluk in his taluk board area. In that case the principle accepted, namely, that there should be a taluk board for each taluk cannot be given effect to. I want to know definitely what his idea in the matter is. Is he or is he not going to give effect to the principle accepted in this House, viz., that there should be a taluk board, as a rule, constituted for each taluk? "

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, the Act provides for a taluk board being constituted for each revenue taluk. It is the intention of the Government to give effect to it as far as possible. We have issued a Government Order on the 20th March to all those taluk boards which consist of more than one revenue taluk to show cause why the intention of the Act should not be given effect to. They are asked to give their opinion before 1st April. We have stated in our Government Order that it is our intention to go according to the strict letter of the law and to constitute a taluk board for each taluk unless there are very strong reasons to the contrary."

[a] To enquire why the Government have called for proposals for circles for each taluk board instead of taluks as contemplated by the new Act.

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11-45 a.m. * Mr. K. Koti Reddi:—"Sir, I just want to know from the hon. the Chief Minister, what are the reasons which should guide the taluk boards to go against the spirit of the Act. The communiqué which the hon. the Chief Minister has referred to, is really very misleading. It looks as if the taluk boards have to show why each taluk should have a separate taluk board. I think that the burden of proof lies on the Government to show cause why they should club two or three taluks together, wherever they propose to do so. I do not know the purpose for which that portion of the communique has been issued. As a matter of fact, many taluk boards have taken for granted that the old taluk board areas will be retained ordinarily for the purpose of working the Act. I want to know what the difficulties are in the way of the Government and why every taluk should not have a taluk board of its own. The argument that may perhaps be advanced by the Government is want of finance. When it was seriously intended before the passing of this amended Act to divide each taluk into a number of boards, each firka to be constituted into a board, why should not at least a taluk be constituted into a board? The spirit of the present Act is to see that every revenue taluk has a taluk board. No doubt Government have taken power to amalgamate one or two taluks. I hope that advantage will not be taken by the Government of that provision to club two or three taluks together. I do not think that finance need stand in the way of Government. If there is a smaller area, I do not think it is necessary to spend much money by way of travelling allowance, etc. If two or three taluks are clubbed together, naturally the headquarters will be distant from some of the portions of the taluk board, and there will be more expenditure by way of travelling allowances. If the area is limited, the amount of travelling allowance that will have to be given is reduced though not in the same proportion.

"Secondly instead of maintaining a large staff of clerks why should not the board get on with a lesser staff, if the area is less when the work will be less? I do not think the Government will put forward the excuse of want of finance and not give effect to the spirit of the Act. I hope that the Government will issue necessary instructions so that there will not be a misgiving in the matter. I think that the communique throws the burden of proof on these taluk boards to show cause why two or three taluks should be separated. I think the burden of proof should be on the Government to show cause why they should amalgamate two or three taluks."

* Mr. A. Ranganatha Mudaliyar:—"Sir, if I understood the hon. Minister correctly, he argued that there should be a taluk board for each taluk and this communique asks every taluk board to show cause why that policy should not be given effect to in every taluk. I want only to add that in response to the circular issued already by the Inspector of Local Bodies, several taluk boards have submitted proposals on the basis that a taluk board should be constituted for each taluk. But I know also there are some taluk boards who have thought that

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they were precluded from considering the question of suggesting a taluk board for each taluk and submitted proposals to suit the existing arrangement. I hope the hon. Minister will bear these facts in mind and ask for recommendations with regard to such of the taluk boards which have not already submitted proposals for the constitution of a taluk board for each taluk. I take it that he is agreeable to this suggestion of mine and I withdraw my motion."

The motion was, by leave, withdrawn.

B. Pocker Sahib Bahadur:—"Sir, I beg to move the following motion, viz.—

'*that the allotment of Rs.* 2,40,000 *for Ministers be reduced by Rs.* 100.'

"This is to urge upon the Government the necessity of abolishing the posts of Council Secretaries. I make this motion on two grounds; first of all, on the ground of principle, and secondly on the ground of retrenchment of expenditure. On the ground of principle I would ask the Government what is the function that is allotted to these secretaries and which they are expected to discharge, to enable them to draw salaries from public funds. We had Council Secretaries during the previous Ministries also and experience has shown that, except that it was a bone of contention among several claimants of the party in power, no definite duties have been allotted to them; they have not been responsible to this House; how far they have been responsible to the Ministers themselves is always a mystery. If it is merely for the purpose of following a precedent—a bad precedent—I say it deserves condemnation and it ought not be followed. I do not know if the present Ministry has appointed these Secretaries merely because the previous Ministries had their Secretaries and they want to have the same paraphernalia. If it is on that ground, they ought not to have these Secretaries at public expense. If it is on the ground that the Ministers are not able to discharge their duties without the assistance of these Secretaries, I want to urge the following point. Before the Montford Reforms came into operation, we had three Executive Councillors discharging the same amount of work that is now being discharged by seven Members. So the work of three Executive Councillors was distributed among seven Members of the Government. It does not require any argument on my part to show that the work of any particular Minister is much less than that of any Member in the previous regime. Under these circumstances I do not see any reason why these Ministers should have Secretaries for themselves. The Executive Councillors have no such Council Secretaries. So far as the work of the administration goes, there is the permanent staff equally distributed between the Ministers and Executive Councillors and there is no pretension that these Council Secretaries have anything to do with the administration of the portfolios of the Ministers. During the time of the last Ministry, if I remember right, these posts were not filled for a long time. No doubt later on, they were filled, for what reason I cannot say. I sympathize very much with the hon. the Chief Minister

in the ordeal which he had to undergo in selecting these Secretaries and after undergoing such an ordeal, the Secretaries were after all appointed. Considering the ordeal which he had to undergo in choosing these individuals, I was hoping that he would rather refrain from making these appointments and laying this burden on public funds. So far as I can see and so far as my enquiries go, I am not able to find any public purpose that is served by the appointment of these Secretaries or by their continuance. If it is only a paraphernalia to the Ministers, I am sure that the present Ministers are very simple in their habits and they would not require such Secretaries to complete the paraphernalia.

" There is another point which I must refer to; of course, I do not wish to refer to any personality. The existence of these Council Secretaries without any statutory function to perform and without any definite duties to discharge, will mislead the public into thinking that these Secretaries are the people who guide the Ministers and that, if they are able to catch hold of these Secretaries by some hook or crook, they will be in a position to achieve everything through the Ministers. I only wish to point out that there is this likely danger, especially when these Secretaries are drawing fairly good salaries without any responsible work at all. In view of the fact that these Secretaries are drawing a salary of Rs. 500 each and that they are the right-hand men and advisers of the Ministers, people think that they could achieve everything if they get into the good books of these Secretaries. I think we must guard ourselves against this danger and the best way of guarding against this danger is to abolish these posts altogether. If the Government is not pleased to accede to this suggestion of mine, I hope they will take care to see that such an impression is not created in the minds of the public.

" Then, Sir, the other ground on which I make this motion is one of retrenchment. We have a very bad Budget with a deficit. Under such circumstances, is it necessary to go on spending Rs. 1,500 a month admittedly for nothing, admittedly for no return to either the people, or the Government or even the Ministers themselves? I say it is a very atrocious act on the part of the Government to continue the Secretaries at the expense of Rs. 1,500 a month out of public exchequer. It might be said that we are following a Parliamentary procedure. So far as that point is concerned, I do not know whether such an analogy can be drawn between our Council Secretaries and Parliamentary Under Secretaries. Our Secretaries are not Under Secretaries but Secretaries not having the shadow of the power of the Under Secretaries. Whatever might have been the justification on previous occasions —when we had no responsibilities—even under diarchy I cannot say we had real responsibilities—on the eve of getting full responsibility, full autonomy, we must realize that responsibility even now and begin to act from now.

12 noon. " If we have been spending money recklessly on these Secretaries and other paraphernalia, we can no more afford to do so hereafter. No doubt, when the foreigner was at the helm of affairs, he was doing so

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many things at which we were hurling criticisms; but hereafter we are going to manage our own affairs and we must perform our duties in the most economic manner and method possible. In view of the coming events, the coming full Responsible Government, we must begin real economy first. Of course there are ever so many other departments in which retrenchment can be effected; but to my mind there is not a more criminal waste of money than the retention of these Council Secretaries at a cost of Rs. 1,500 a month. If only the hon. the Chief Minister makes up his mind to do away with these posts, certainly this House and the public at large will appreciate it much more than anything else and will take it as a symbol of the policy which he intends to follow. With thetse words, Sir, I move my motion. "

* Mr. V. T. Arasu:—" Sir, I have very great pleasure in seconding the motion made by my hon. Friend from Malabar. In this connexion, I would like to draw the attention of the hon. the Chief Minister to the rules framed by His Excellency the Governor, in G.O. No. 195 Public, dated 7th April 1921, where the functions of the Council Secretaries are very clearly defined. I shall read out extracts therefrom:

'Council Secretaries will be employed to work up replies to any questions or resolutions that may be handed to them by their Member or Minister and may further be given the responsibility of replying for the department in the Legislative Council when specially instructed to do so and upon lines approved by the Member or Minister.

'Similarly in the case of Bills, Council Secretaries will be employed to work up points of discussion and to speak on behalf of the department, when desired by the Member or Minister to do so during the discussion of the Bill.'

These are two main functions, Sir, of the Council Secretaries. We all know, Sir, this House full well knows, and you also, Mr. President, ought to know, the work they have been doing all along and on how many occasions they have participated in the discussions of this Honourable House; and how, even in the absence of some of the hon. Ministers, they have not been able to answer some of the questions put or meet the arguments advanced by Members of this House in the course of the debate. From the extracts I have just now read to the House, it would be clear that the main object with which they are appointed is that they should have a real training in the art of administration by serving experienced administrators like our present hon. the Chief Minister so that they may become Ministers themselves at a future date. They are supposed to be the prospective Ministers or what may be called budding Ministers, Sir (Laughter.) But what do we find? They are not being given any such training at all and they are also being treated in a very cavalier fashion. I myself know of instances when the Secretaries were shabbily treated by the permanent Secretaries. The Secretary to the hon. the Chief Minister—it is busily rumoured—has been very shabbily treated by the head of a department, of which the hon. the first Minister is the Chief."

Mr. Sami Venkatachalam Chetti:—" When? "

Mr. V. T. Arasu:—" Very recently, within the past few days. "

B. Pocker Sahib Bahadur;—" What department please? "

Mr. V. T. Arasu :—" I shall not pursue that further. The hon. the Chief Minister himself will be able to throw some light on that question. Now, Sir, if the Ministers think that the present set of Secretaries are not capable of being entrusted with the responsible work of preparing replies to questions or answering any points raised by Members of this House, then there is no use in retaining them at all. But I, for my part, would not subscribe to such a proposition as I happen to know personally all the three incumbents. One of them, Sir, is perhaps the foremost medical practitioner in Tanjore, and it is at considerable personal sacrifice that he has accepted the place of Council Secretary. Another is an ex-Judge of the Small Causes Court and latterly had a very wide practice in the City of Madras and he has also accepted the post at great personal sacrifice; and the same is the case, Sir, with regard to my friend Mr. Madanagopal Nayudu. So, I cannot subscribe to the proposition that they are incapable of being entrusted with responsible work. A second reason for not entrusting them with responsible work may perhaps be that the present Ministers think that they have got the energy and time enough to carry on the work of replying to questions and meeting the arguments, etc., in this House without the help of their Secretaries. In either case, there is no need for retaining these three Secretaries at the expense of about Rs. 18,000 per annum. I would therefore appeal to the hon. the Chief Minister to reconsider this question and abolish these posts of Council Secretaries. It is an insult to the intelligence of the Secretaries to say that they are not capable of being entrusted with responsible work.

" One suggestion I should like to make to the hon. the Chief Minister. If he may not find it possible to abolish all the three posts, he may be content with retaining one. He may retain his own Secretary, Mr. T. Sundara Rao Nayudu, who is capable of doing the work of all the three Secretaries put together and I can testify to that fact. Therefore, Sir, I have great pleasure in seconding this motion. "

* Mr. A. Kondappa :—" Sir, the question of having these Council Secretaries or not seems to be a question of party politics just at this moment; but I do not like to take a purely party view in a matter like this. We are having Council Secretaries here purely on the British model and my hon. Friends will find at the present moment how in England some of the Cabinet Ministers on account of over work are unable to be present, and how on such occasions it is absolutely necessary there should be trained men in Parliament or in the House to take their places. When a Minister is unable to be at his post in the Council, the Council cannot wait till that Minister returns and places the necessary material or the attitude of the Government before the House. Anyway, His Majesty's Government should be carried on within the four corners of the Council Chamber. It is for that purpose that the Council Secretary here is appointed on the British model, and I do not see any reason why when we are developing a full-blown democracy at no distant date, we should in one breath ask for greater

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freedom and in the next breath lay the axe at the very root of it by saying that we do not want Council Secretaries. My hon. Friend, Mr. Pocker, said we are going very shortly to manage our own affairs, that our Ministers are very capable, and so there is no necessity for these Secretaries. If his suggestion to take away these Secretaries is to be accepted, I say that will be one step how we will mismanage our affairs in the coming democracy. If we want to manage our affairs efficiently and well, we should have able and well-trained Secretaries to assist the Ministers, fit to take the places of Ministers in answering interpellations and in many other respects and also to help the House with their knowledge of particular branches of administration. Therefore, absolutely no case has been made out for the abolition of the Secretaryships. It is not right to say that they are receiving any big salaries; the salary is very little when we take into account the responsibility they have to shoulder at times in discharging the duties allotted to them."

Mr. V. T. Arasu:—" Will you give any instances of responsible work allotted to them? "

* Mr. A. Kondappa:—" I shall give instances. Of course, I join my friends on the Opposition benches in thinking that the present Ministers are very active and they are very careful. They are able to attend to their duties very carefully, and I certainly compliment the Members of the Opposition Benches on recognizing the merits of the present Ministers. But that is not sufficient. A time may come when some of the Ministers may feel fatigued or indisposed and when their places will have to be taken by competent men, with the necessary experience and training. I have therefore the honour to oppose the cut motion of my friend Mr. Pocker Sahib. There is absolutely no justification whatever for this cut, and I say it is a challenge to the coming democracy in this province. I hope, Sir, Mr. Pocker Sahib himself, a proud advocate of democracy will think twice before he presses this motion. (Mr. B. Pocker Sahib: I have thought many times over it.) It may be that the Justice Party is in power to-day; to-morrow it may be some other party, the United Nationalists Party or any other party. I may be on this side of the House now; but my friends may take it that I will always advocate the presence of Council Secretaries either from this side of the House or from the other side. This is not a question of party, but a question of principle. The very constitution itself lays down the dire necessity for an institution like the Council Secretaries. With these observations, Sir, I have very great pleasure in opposing this motion and in supporting the proposition that Council Secretaries are an absolute necessity and that they ought to be there. Though they may be doing no work to-day, there will be a necessity soon, and probably the functions which they will have to attend to in course of time will be so great, that we will be in a better position at a later stage to appreciate the advantages of having these Council Secretaries."

* Rao Bahadur A. T. Pannirselvam:—" Mr. President, in opposing this motion, I must thank the hon. the Seconder of the motion for having cut the ground from under the feet of the proposer of the

motion. The proposer of the motion, the hon. the Muslim Member from Malabar, began by questioning the functions which these Council Secretaries were expected to fulfil, and the answer to it was given by the hon. the Seconder. He read out the duties assigned to these Secretaries by the rules, and in that way one of the points raised by the proposer was disposed of. The hon. the Seconder while pointing out the functions assigned by the rules to the Council Secretaries wanted to blame the Ministers on the score that they were not giving proper opportunities to the Secretaries for discharging their functions. If the hon. the Seconder has taken the trouble to read carefully the rule which prescribes the functions, he would have noticed that it reads as follows:

'Similarly, in the case of Bills, Council Secretaries will be employed to work up points of discussion and to speak on behalf of the department, when desired by the Member or Minister to do so.'

(Mr. V. T. Arasu: I have read out the portion.) To work up points of discussion is a matter which, I am afraid, will not come within the knowledge of the Members of this Council or of the President. That is a matter which would be exclusively within the knowledge of the Ministers; and as for answering questions and replying to debates, they are expected to do so only when called upon to do so by the Ministers, and we cannot expect them as responsible Ministers, to shirk their own duties if and when they can themselves possibly discharge them without calling upon their Secretaries who are expected to reply to questions and debates only when the Ministers really find it physically impossible for themselves to be present here. And the hon. Seconder of the motion has not instanced any occasion when a Minister finding it physically impossible to be present and answer a debate did not delegate this function to his Council Secretary.

"Another surprising argument advanced by the hon. Member from Madras was that in the pre-Reform days, there were only three Members of the Executive Council, that the same work, as he put it, was being discharged by the present enlarged Cabinet of seven Members, and that therefore there was no need for these Council Secretaries. I must express my surprise, Sir, that a Nationalist, like him, a United Nationalist though he be, to-day should want us to go back to pre-Reform days. Does he want to have the same state of things to-day as obtained in the pre-Reform days with a bureaucratic Government wholly irresponsible to the Legislative Council, the Legislative Council itself being a very small body, absolutely unrepresentative of the people?

12-15 p.m. "Does he think that with this enlarged Legislative Council consisting of people who pride themselves on the fact that they are the representatives of the people and when occasion arises do not forget to remind the members of the Treasury Bench that they speak on behalf of the people, does he think that the work that has to be discharged by Members of Government to-day is the same as it was in the pre-Reform days or does he want us to go back to those days? Is that the result of all his boasted nationalism? I am afraid that his argument that the

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work in the pre-Reform days was the same as the work that exists to-day, and that the work that was done by three Members of the Council could be equally well discharged by seven members without the aid of Council Secretaries is one which cannot hold water.

"Another matter which the proposer of the motion referred to, is one which I wish had not been mentioned at all. He suggested or stated that an impression might perhaps be created in the minds of the public that if they were to get round the Secretaries, it would be possible for them to get anything out of the Ministers. The insinuation underlying that statement is such that I would rather make no further reply than to say it would have been more in keeping with the dignity of the House if no hon. Member of this House had mentioned a point like this.

"As far as the necessity for retaining the Council Secretaryships is concerned, I would submit that it is the Ministers who are in the best position to judge whether they are in need of the Secretaries' services or not and if they feel that they don't need them, it will be time enough to vote for a motion of this sort. But inasmuch as they are there to-day with the approval of the Ministers, the necessary inference is that they feel the necessity for retaining them. The rules say that these Secretaries are to be their confidential Secretaries. Their position is not that of the Parliamentary Under Secretaries as stated but of Parliamentary Private Secretaries. If the Ministers feel that they are in need of these confidential Secretaries—Ministers who have got a lot of responsible duties to perform, Ministers whose position is certainly quite distinct from that of Executive Councillors who are not under the Statute responsible to this House—the responsibility of the Ministers is certainly great—if these Ministers feel that they are in need of the services of confidential Secretaries, I think it would not be proper for the Council to deny them that right and therefore it is that I do oppose this motion."

* Mr. Sami Venkatachalam Chetti:—"Mr. President, Sir, the history of the appointment of the Council Secretaries ever since the inception of the reforms has not been satisfactory. I am even referring to the days when the hon. the Leader of the Opposition, my hon. Friend, Dr. Subbarayan, was the Secretary. Sir, it is true that the Act has provided for the appointment of Council Secretaries and when my hon. Friend, Mr. Pocker, questioned the existence of any duties allotted to the Council Secretaries, he was only making much of the fact that no duties as such were assigned to the Council Secretaries and not that he is unaware of the provisions of the Act. I believe, he has as much knowledge of the provisions of the Act as any Member on the opposite side claims to have, but the trouble is it has become necessary for the hon. Seconder of the cut motion and also for Mr. Pannirselvam to read from the pages of the Act the specific duties of Council Secretary. As a matter of fact, we are alive to the duties allotted to the Council Secretaries but the necessity for going into the pages of the Act was whether these duties are now exercised

by them at all. The question is whether they are allotted at all and whether these Council Secretaries really have work and whether they ever have done that work. Sir, I do not want to enter into personalities, but it is an obvious fact that a Secretary can be a Secretary to any Minister that sits there. Ministers may change but the Secretaries won't change. That is not really the spirit with which the Council Secretaries were provided for in the Act. They must have been regular members of that party and they should be trained in the art of the administration, as it is said, so that they may become a second line of defence, when other matters come up for discussion in this House. But, none of these things are being done at present by the Council Secretaries. The complaint is that if you want a really Parliamentary Government to develop in this country, it is necessary to train as many members of your party as possible in the art of administration, and in order that at least some members are not put to out of pocket expenses they must be employed as Council Secretaries. They must be given responsible work, not in order to overshadow the Minister himself but in order to assist Ministers. Sir, My Friend Mr. Pannirselvam has tried to draw a distinction between Parliamentary Secretary and Parliamentary Private Secretary. If there are Parliamentary Private Secretaries, they are unpaid. In so far as the Public Exchequer pays these Council Secretaries, we expect them to be responsible officers of the Government in order to assist the Ministers in the discharge of their duties.

"Then again, Sir, there is absolutely no insinuation made by my hon. Friend Mr. Pocker when he said that it might be possible for some zealous Secretaries with all the zeal of a new comer, to try to influence the Minister; that is only a warning that might be given to anybody. It has no reference to any particular person and I do not think that any one of the present Secretaries has taken it as a personal matter because, none of them is yet guilty of that kind of conduct. So there is no meaning in saying that Mr. Pocker meant any insinuation. Sir, I must say that so far as the present batch of Secretaries are concerned, they are showing signs of activity. I now see they are taking down notes when budget speeches are made, but how far those notes are made use of by the Ministers I am not able to say. I also see some portions of the Council Chamber at least are furnished. My hon. Friend Mr. T. Sundara Rao Nayudu has been very active and he had the courtesy to show me the improvements he had made. So far as the physical needs of the Members are concerned, I am very thankful to him because I also shared the physical amenities he has provided by his consenting to give a lot of furniture to my party. I know the difficulties the Ministers have got to face in appointing Council Secretaries. I do not think they are doing it only with a view to incur public expenditure, but it is only in order to avoid the incessant and persistent claims of party men that they have to do it. I admit that it is a very delicate position. Even in the matter of selection of Secretaries there is the question of Kammas, Kapus, Mudaliyars, Nayudus

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and all those things. (A voice from the Ministerialists: But no Chettiyar—Laughter.) There is not a Chetti in that party. (Laughter.) All these things come in and I dare say, if the rumour is correct, there is already complaint that there are already two Nayudus as Council Secretaries (laughter) and that there is no provision for a Mudaliyar. What I want to point out to the House is that these Council Secretaries are not appointed with a view to assisting the Ministers in their administration but only to satisfy the clamour of party men. That ought not to be the policy to be pursued in making these appointments. As it is said we are anxious to develop Parliamentary institutions to the level of what is obtaining in other countries, it is desirable that the consideration of the Council Secretaries assisting the Ministers must weigh much more prominently than the claims which seemed to have played a part in the selection of these Council Secretaries.

" Apart from this, the main question to-day is one of retrenchment of expenditure. We are asking the executive side of the Government to reduce expenditure in all possible ways; we are asking that all supernumerary appointments should be abolished. With the best of the intentions and with as much generosity as possible, it cannot be said that the Council Secretaries are necessary or they can be dispensed with, but the question is whether during the stringent times we are passing through, the Ministers should not see their way to reduce expenditure. Moreover, with regard to travelling allowance—that is a sore point—it is no doubt true that the Ministers must have the benefit of seeing several parts of the Presidency but in such cases I would particularly request the hon. the Ministers, in view of the fact that travelling has got to be done by the Ministers and Secretaries, to see that the secretaries might go in one direction and the Ministers in another direction, so that the work that can be done by one man need not be duplicated by two men. By this means we may have the benefit of the experience gained by the Secretaries.

" My hon. Friend Mr. Pannirselvam again attacked my Friend, Mr. Pocker, about the criticism that the work that was done by three persons is now being done by seven persons. I am afraid that my friend has been thoroughly misunderstood in regard to that matter. I do not believe the question of democracy or popular Government comes in in the matter of increasing the number. What Mr. Pocker pointed out was that the work done by three persons before is now done by seven persons. That does not mean he is against responsible Government being established. What he said was, and Mr. Pannirselvam himself will agree, that the work itself has not increased in volume (Rao Bahadur A. T. Pannirselvam—Yes, it has increased). No, the work is there. What was done by three persons before is now being done by seven persons. That is the nature of criticism that my hon. Friend Mr. Pocker has made.

" As I said, this is an old history and I do not think any criticism either from this side of this House or from that side is going to put an

end to this. There is no use denying the fact that some of these gentlemen who are appointed Secretaries cannot claim that experience which really Parliamentary Secretaries in other countries would be entitled to claim."

12-30 p.m. * Mr. C. R. Parthasarathi Ayyangar:—" Sir, the point which I would like to draw special attention to is as regards the action of the Ministers in the choice of their Secretaries. There was a time nearly a year and a half back when there were no Council Secretaries at all, and the work did not stand still, but it was carried on in the same way as when there were Secretaries, if not better. The question I wish to ask the hon. the Ministers is what is the example that they have set for themselves or for others. The object in choosing Ministers to whichever party they may belong, is that they should enjoy the confidence of the House and on the answers that they give depends so much the conduct of the whole Council. It does not matter to whatever party they may belong. I hope the Ministers will set a good example in the choice of their Secretaries and see carefully whether those Secretaries do really discharge the duties that are entrusted to them. They must put their profession into action and there must be no difference between the two. Otherwise it will become annoying, if not very unpleasant. It is to avoid all these things that the Ministers should be careful in the choice of their Secretaries, and if they do so, then all credit is due to them. If the House gets good assistance from Council Secretaries of the right type, then all honour to them. If the Ministers do not translate their professions into action in the appointment of Secretaries, it will create a feeling of discontent and just resentment and we have a right to protest against our being treated like pawns in a game of chess. We hope the hon. the Chief Minister will explain to us the nature of the good work done by the Secretaries and if he is really able to convince this House of the good work done by them, we have no grievance. I hope he will respect the feeling of hon. Members in this House."

* Diwan Bahadur M. Gopalaswami Mudaliyar:—" Mr. President, Sir, I believe arguments have been put forward from both sides of the House both on behalf of the proposition as well as against the proposition. The position seems to be like this: that the posts of the Council Secretaries were created originally only to last for some time, and that they should be abolished when no need for them was felt. And now there is the financial stringency; Members from the other side of the House ask, 'why should they be appointed? They need not have been appointed.' Another argument put forward against the proposition is that if Council Secretaries are to be appointed, certain duties ought to be allotted to them. And in addition to this it is urged that if the Ministers are anxious to see the expenditure of the province reduced it is up to them to abolish the posts of Council Secretaries since they are not doing any functions at present.

" So far as I am concerned I have not been in the Council before. This is the first time I have entered the Council. But from the pro-

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ceedings of the Council I find that there have been Council Secretaries ever since the inception of the Reforms. There were Council Secretaries in the first Council, there were Council Secretaries in the second Council, there were Council Secretaries in the third Council, and now there are Council Secretaries. I think the tendency is to look upon it as a legacy and if it is considered as a good legacy by all means we can continue to have it; but if we are to consider it as a bad legacy, then it is time we abolish the posts. Now there is a proposal to have a retrenchment committee to go into the question of the reduction of expenditure in the province; I think hon. Members on the other side can await the findings of that committee. Further I think the House will be glad to hear from the hon. Minister when he replies that certain functions have been allotted to these Council Secretaries so that they may be trained in the policy both inside the Council as well as outside it. I hope this will satisfy them.''

* Diwan Bahadur B. Muniswami Nayudu:—" Mr. President, Sir, as was observed, this is an old question, whether the posts of Council Secretaries are to be continued or not. Now in view of the need for retrenchment it is urged that these posts should be abolished. But I may point out that in spite of the cry for retrenchment this office has gone on for the last nine years. So far as Council Secretaries are concerned, I am sure hon. Members are aware that they are there not from a purely party point of view, but that they are appointed more with a view to give non-official members a chance of getting into touch with the administration of the country and of getting into touch with the Parliamentary system of Government. [B. Pocker Sahib Bahadur: Is that generally done? (Laughter)] That is the spirit in which these posts were originally created. And if my friend asks me whether it is being observed, I can only answer so far as the present Ministry is concerned. If in the past it was not carried out, perhaps Members did not realize their duty; and if my friends opposite want to know the reason, let them ask the Leader of the Opposition about it. As regards the present Council Secretaries, during the last two months they have done their work splendidly well. (Hear, hear.) It may be that hon. Members opposite may not see eye to eye with me on the particular men appointed. Perhaps their time will also come when they will have to take up office and to appoint their party men as Council Secretaries and entrust to them the work legitimately due to them. Sir, their duties have been laid down by His Excellency, and it is in view of those duties and on our advice that Council Secretaries have been appointed. Sir they have been attending the Council for the last ten days, after the last January session, and they have been assisting us in answering questions and it may be, a time may come when we may have to be absent from the House, and on such an occasion, the Secretaries will be on their legs and be able to answer questions and conduct the debate on our behalf. I may assure the House that every opportunity is being availed of to train them in this, and we shall also train them in the light of criticism now advanced.

" I don't want to say more on this, except one point. I am one who believes in the constitution and one who believes in the working of this constitution. I think the institution of Council Secretaries has been conceived in the best interest of Parliamentary institutions. Therefore we are not justified in looking at it from a purely retrenchment point of view. If you feel that the Ministers are not doing their work properly, by all means vote down their salary or send them out of office. But as regards the Council Secretaries. . . ."

Mr. V. T. Arasu:—" May I know what is the nature of their work? "

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I refuse to answer that question. The nature of their duties is laid down in the rules and if my friend wants to know whether they look into this file or that file and such sort of private work, I only say to him it is not proper to ask such questions. We should only take into account the general effect of their work."

The motion was by leave withdrawn.

Mr. Abdul Hameed Khan:—" Mr. President, Sir, I beg to move that the allotment of Rs. 2,40,000 for Ministers be reduced by Rs. 50,000. If I move to reduce the salary of the Ministers by Rs. 1,000 per month each, I do so not as a party motion to censure the work of the Ministry during the months they have now been in office, but I do so in order to find out from the Ministers whether they have realized the financial position not only of this province, but also of the country as a whole and whether it is not necessary that they should come forward voluntarily with a motion to cut down their salary at least by Rs. 1,000 each. They have very illustrious examples in other provinces; for instance, there is the Central Provinces, where the Ministers who were receiving more than Rs. 4,000 have agreed to draw henceforth only Rs. 2,500 each. And then there is the illustrious example of Nawab of Chatari. When he was the Minister in the United Provinces, he voluntarily agreed to reduce his salary by Rs. 1,000. These are all illustrations to show, Sir, the direction in which the mentality of the responsible Ministers in the various provinces works. They have recognized the financial condition of the country; they have recognized that it is not good that they should draw such a high salary at such a time of financial stringency as the present one, and therefore they have set an example to their own countrymen who occupy high offices in the province by showing to them that they themselves are first prepared to receive a lesser salary than they are at present receiving.

" Sir, then comes the question of the enlargement of the Treasury Benches. This point was raised in the former motion, and it was pointed out that there were first three Members in the Executive Council; then it became four, and now we have seven Members. And they are now doing the same work, that was originally done by three Members, in spite of the contention of Mr. Pannirselvam, except perhaps that they have now to attend Council meetings and prepare answers to questions. Perhaps this is the only additional work they have to do

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in the administration of the departments. Besides, the departments under their control are also the same, except for the fact that the expenditure has increased by 5 lakhs, ever since the Reforms were inaugurated. We know, Sir, the financial condition of our province. We know what is the earning capacity of an average Indian. The other day, Sir, an hon. Member made mention of the fact that it is not more than Rs. 72 annually. And my friend, Mr. Ramalinga Chettiyar, tells me that this is the opinion of an able expert European financier. Such being the case, is it not necessary that these hon. Gentlemen, who are also anxious to see democracy established soon and that more representation is given to the people, should realize first that it is their duty to come forward voluntarily for a reduction in their salary? Sir, I have proposed only a very very small reduction; and I have no doubt that the hon. Ministers will certainly be able to go on in office with Rs. 3,000 a month.

" But, Sir, it is pointed out that according to the Lee Commission, Civilian officers who are Secretaries to these Ministers will be drawing a higher salary. I don't think it is more than Rs. 3,000 in any case. Even supposing they get a higher salary, I ask why should they compare their salary with that of their Secretaries. They are people with greater power, they are placed in the office of Ministers and it is certainly an invidious comparison, if their salary is to be compared with that of their Secretaries. Therefore I submit that the question of salary should not stand in the way of accepting this reduction.

" Then, Sir, with regard to the main motion itself, as I said, they ought to set an example to other officers placed in an equally high position. In the coming democracy it will be necessary to reduce expenditure in view of the heavy burden of taxation that is already prevailing in the country. And if our income is accordingly reduced, it will be 12-45 p.m.
necessary for us also to reduce the salaries. Sir, Member after Member on this side of the House or on that side of the House in dealing with the Budget when it was presented by the hon. the Finance Member came forward one after another most emphatically with retrenchment proposals. I ask them whether they should not begin at home, and whether they should not advise their own Ministers to reduce their salaries and set an example to others so that they may also be willing to accept any reduction in their salaries. Sir, that is the way in which the Ministers can set an example not only to their own departments but to all other people. Apart from the officials who are receiving high salaries, it will certainly be improper for us to ask the other members in the service of the Government to receive less salaries than they are now receiving. If even responsible Ministers do not come forward to set an example in a matter of this character, we cannot expect others to do so. These are all the considerations that impelled me to bring forward this motion. It is only as a measure of retrenchment and in order to enable the hon. the Ministers to set an example to the other officers that I have brought this motion. I know that the hon. the Chief Minister leads a very simple life and he as an individual gentleman I have no doubt will very willingly agree; because he is not there

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for the salary, but he is there to see how far and how much he can do to help his country, his province, in its advance; that is the object for which he accepted the Chief Ministership. It is not the salary that has attracted him to that place. Besides, Sir, the high salaries that have been fixed for these Ministers are responsible to a very large extent for the amount of trouble that we have in the formation of Ministries also. I know, and the hon. the Chief Minister knows much more than any one on this side of the House, the trouble that he had in forming the Ministry himself, how many applicants there were from his own party for the Ministerships. If the salary is reduced, I am sure, Sir, that his trouble will be reduced at least to that extent. Sir, these are all the considerations which have impelled me to bring this motion before this House and I would appeal to the hon. the Chief Minister and other Ministers to accept this motion; and I will not force them or make it necessary for them to accept it if they do not want it. I do not threaten the hon. the Chief Minister or the other Ministers or the Members of the party in power that I am going to press this motion; nor does this party make this motion a party motion or press it. But I would submit, Sir, it would be graceful on the part of the Ministers if they come forward and accept this motion and agree to a reduction of Rs. 1,000 per mensem in their salaries."

* Mr. M. A. Manikkavelu Nayakar:—" Sir, I think the scales of pay obtaining in India are very high. Especially it is so, Sir, considering the standard of living in this country and other countries. Even in countries like Great Britain, Australia and Canada, the scale of pay is not as high as it is here, and yet their standard of living is far higher. No doubt, the hon. Ministers may say 'While the Executive Council Members are already getting a far higher amount—at present they are getting about Rs. 5,000—, we are getting only about Rs. 4,000. Why should you ask us to voluntarily give up a further amount?' That is true, Sir, but we can only appeal to them as responsible Ministers. The others are somewhat irresponsible, whereas you are the representatives of the people, and also you represent the non-official Members of this House. Therefore, Sir, we can only appeal to you. Sir, when a similar motion was brought on the floor of this House, the trusted leader of the hon. the Chief Minister—I am referring to the late Raja of Panagal who was the Chief Minister—the Raja of Panagal agreed to give up a thousand rupees. And I am sure, Sir, that his trusted lieutenant and the present Chief Minister may also think seriously about the matter and see whether it would not be possible to reduce the salary at least by a thousand rupees a month. We are not asking for any very drastic reduction. Even in the case of the Central Provinces, Sir, as has been observed by my hon. Friend the Mover, the Ministers have agreed to forego nearly 50 per cent of their salaries—I think they had been receiving about Rs. 4,000, and they have now agreed to receive about Rs. 2,000. Therefore, I do not think it will be too much to expect the Ministry to forego a thousand rupees per month. I no doubt realize that there are many demands on their purse, when they occupy such a high position, but still they have to sacrifice a little and set an example to the Reserved Half. Such a

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sacrifice may lead to sacrifices from other Members. The Indian Members of the Executive Council may follow suit. The European Members of the Executive Council may or may not follow; but we do not mind. I would only appeal to the hon. Ministers to set an example at this time when we are passing through acute economic depression. Sir, in these days of depression, if any person is not affected, I should say it is the highly paid official. All other persons following other professions are affected. The high officials are not at all affected; on the other hand, they stand to gain as the prices of foodstuffs have gone down considerably. Therefore, Sir, will we not be justified in asking the hon. the Ministers to forego at least a sum of Rs. 1,000 as long as this depression continues ? If the depression ceases and the times change, probably they may go back to their old scale of pay. Sir, we have no intention of pressing this motion but only request the hon. the Ministers to see whether they cannot reduce their salaries by a thousand rupees voluntarily."

* The hon. Diwan Bahadur B. Muniswami Nayudu :—" Sir, this is another kind of matter which has been discussed in this Council for the last ten years. An appeal has been made, Sir, to the Ministers by saying that, though there was no intention to press it, we, Ministers, should voluntarily forego a portion of our salaries. Appeals are again made, Sir, that having regard to the present state of finances, the salary that is now being drawn is rather high; and more than once it has been urged that it is absolutely necessary for any sincere political worker who takes up the responsibility of office to accept a reduction in salary. All that I would say is this, Sir, that when the Reforms were on the anvil, and when Indian Members were consulted as to the status and privileges of Ministers, pay was one of those things which were put forward as necessary to keep up the equilibrium and prestige as between the two sections of the Government. Secondly, Sir, the Raja of Panagal in the previous Ministry, the first Ministry, had himself foregone Rs. 1,000 a month, and set an example in sacrifice. But we have to consider the question as to whether there should be a further reduction and as to whether in the new autonomous province the salaries should be still further reduced, or they should be put at a lower figure. These are the questions, which I would submit, ought to be dealt with no doubt in regard to the Constitution, but I am afraid the individuals composing the present Ministry cannot say anything about it. But so far as the position of my party is concerned, I may say that we have always held that for the office of a Minister which is the highest office occupied by a non-official in the province, the salary that is now paid is not too much. We have said so and we have been working on that principle. When, Sir, in the first Ministry, an objection was taken to the then existing salaries of Ministers, hon. Members who are now occupying the Opposition said that Rs. 3,000 was a decent salary for the Ministers. I raised that very question when they were on this side of the House, and asked them to say what they felt about the matter, as they came to office. I asked the last Ministry, consisting of my hon.

Friends Dr. Subbarayan, Mr. Ranganatha Mudaliyar and Mr. Arogyaswami Mudaliyar, to make a statement as to reduction in their pay, whether, as they came to that position, they would take anything less than the former salary. The answer was ' No '; and it was said by the hon. Dr. Subbarayan then that if there should be any reduction of salary, it should be at their own instance, and that they should be left to do it of their own accord, and if they found that the matter was in any way forced upon them, they would take it as a vote of censure. My Friend, Mr. Hameed Khan, who has moved this motion was one of the Swarajists then. He, apart from other considerations, was enthusiastically anxious about the salaries being reduced, and yet it behoved their party then to abide by the announcement made by Dr. Subbarayan that it should be left to him to reduce the salaries or not. Four years had passed, and we found they had not reduced the salaries at all. And now, Sir, from the party led by Dr. Subbarayan, Mr. Hameed Khan has moved this cut. I do not know, Sir, what the policy is, whether they agree with their leader in what he did during the four years he was in office, or whether they know what Dr. Subbarayan said then; and if so, why they advise another policy now. I submit, Sir, that in trying to come before this Council with this motion, with all the camouflage behind it, there is something which it is difficult to understand. I earnestly appeal to the House, Sir, that this matter should not be left to the individual whims or fancies of Ministers but should be decided on a definite principle permanently. A suggestion was made in the Reforms Enquiry Committee Report that instead of this question being, in season and out of season, made the subject of discussion on the floor of this House, there should be something like a Statute under which the salaries of Ministers should be fixed on a permanent basis. If the House should take up that question and try to decide it irrespective of the question who is in office or not and who is to get the salary, I should be quite willing to consider it, and it would be worthwhile doing it. But so far as this motion is concerned, I refuse to take the advice given by the Mover, whatever my profession and whatever my practice. . ."

Mr. Abdul Hameed Khan:—" I am not questioning your practice or any such thing."

The hon. Diwan Bahadur B. Muniswami Nayudu:—" I am glad you do not question it, and I withdraw it, if you do not. But so far as this question is concerned, I would only repeat what Dr. Subbarayan said, and that is: ' with regard to the reduction of salaries, if any move of that kind ought to come, it ought to come from the Ministers themselves.' I would also repeat what I said on the floor of this House on that occasion; this is what I said:—

> ' The motion is for a substantial cut in the salary. So far as I am concerned and my party is concerned, we do not really think that the salary which is now fixed to the Ministers should not be given to them or that they are not entitled to get that amount. I am moving this for this purpose, namely, to express the opinion of this Council as to whether, in view of the former statements made by my hon. Friends on the Treasury Bench and also by this side of the House, the salary now claimed by the present Ministry and taken by the past Ministry is or is not a proper salary.'

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"Now, Sir, I would leave it to the House to say whether, in view of these statements, any reduction in the salary can now be justified by the party led by Dr. Subbarayan."

* Rao Bahadur T. A. Ramalinga Chettiyar:—"Sir, I am really surprised that the hon. the Chief Minister should have made the speech he has made. Well, Sir, it is rather difficult to understand what he really means by his speech. He has been always saying that the country is a poor one, that the ryots are poor, their needs are not attended to and that we have been paying our officers very high. So far as these matters are concerned, I am sure he has always been agreeing with me that there should be a limit fixed to the high salaries in a country like ours. It may be that with regard to the figure that is to be fixed we may not agree. I have always been saying in this Council that Rs. 3,000 is about the highest figure that we can fix for any office in the Presidency including that of the Ministers. Well, Sir, they may or may not agree with that, but I thought that so far as the principle that the present rate of salaries are rather high was concerned, he was at one with me. But what was he saying? He says that the Ministers are worth the amount. Nobody ever denied that a gentleman of the position and character and attainments of Mr. Muniswami Nayudu is worthy of Rs. 4,333-5-4 a month; indeed he is worth more. Nobody questions that. But the point is whether we, living in a poor country like India, can afford to pay the present salaries at the level at which they are. It has been the opinion of every public man here in India 1 p.m. that the salaries ought to be cut down. The salaries are as high as they are because we are under a foreign Government and the foreign Government has been increasing the rates of pay without any regard whatsoever to the conditions either in India or elsewhere or the requirements of the situation. It has been pointed out that even in richer countries the scale of pay given to the officers and administration and public men who occupy places like Ministers is not as high as in India. My learned Friend said that even in the Reforms Enquiry it has been admitted that there should be some relationship between what is paid to the Minister and the Executive Council Members. I suppose he means thereby that they should be paid the same. Well, Sir, this was exactly the argument advanced during the first two years of the reformed Council. I believe I was one of those who gave a cut motion for reducing the salaries all round. Then, Sir, luckily there was in your place a gentleman who knew the situation in the country and he thought, Sir, that he ought to take the lead and he voluntarily came to the House and announced that he would reduce his pay by a thousand rupees a month. So the Chief Minister was forced to forego his pay by a thousand rupees a month as also his Colleagues. That was the position as matters stood then. Once it is admitted that there is no necessity to keep the same level of pay for the two sets of officers, Executive Councillors and Ministers, if there is some disparity, I do not see why there should be any objection now to reduce the salary of Ministers as it is the same argument that would hold good. When

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there is already a difference, when one set is getting Rs. 5,333 and the other set is getting Rs. 4,333 I submit that it does not lie with the Minister to advance the argument that he should remain where he is. There is absolutely no reason why it should not be lowered still. Again, Sir, we are here thinking of retrenchment in all directions and we are going to hold an enquiry into the matter. Only yesterday it was agreed to convert the Finance Committee into a Retrenchment Committee and have the present scales of pay re-examined. I put it to the Ministers now, Sir, how will they look if we are going to tell the officers, 'We are going to reduce the present scale of your salaries but we are not going to reduce the Ministers' salaries which will remain at Rs. 4,333.' Is that the sort of lead that you are going to give to the committee when it sits? I beg to submit, Sir, that the Ministers should look at the matter from that standpoint. There is the first standpoint of the level of the salaries here. That is a general question about which every public man has had his say. Then, there is the question of the capacity of the Provinces to maintain the officers at this rate. Thirdly, there is the question of giving the proper lead to the Committee on Retrenchment. I think these are matters which the hon. Ministers will think of. Then there is the question of Reforms. I am not one of those who think that the number of persons in charge of the administration should be reduced. I am not one of those who think that the administration should be confined in the hands of a few people. Democracy should be based very wide not only in the electorate but also in the number of people who take part in the administration. I would like that the number of Ministers is tripled or quadrupled because in that case we will have a large number of people taking interest in the administration and having a voice in the settlement of policies. There should be a large number of people studying questions. If that is to be the case and if you are to have a large number of Ministers, then there is the question of salary and there will be difficulty. These are not offices which are held for purposes of salary. Politicians come there not for the purpose of salary that they are going to get for the time they are there. It is for higher purposes and for larger interests that they are there. Being there I think it is their duty with reference to matters like salary not to consider merely the figure but to consider what is necessary for their expenditure. I know that this House will think that they should make no sacrifice when they are in office. They ought to be paid enough for keeping their position. But what is the amount necessary for keeping up the position of the Ministers of Government? That is a question on which there will be a difference of opinion. I think Rs. 3,000 is necessary for keeping the officers of Government in first rate condition of living in decency and also enabling them to incur all sorts of expenditure which they should legitimately incur on account of the position they hold. That is a matter which they have to consider and fix the pay accordnigly. So for all these reasons it seems to me it is high time, especially when new Reforms are coming, to have an understanding and give effect to it. To say that we should

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wait because the Reforms are coming and that the Reformed Government will take care of itself is not the proper attitude. Then a complete gap will exist between the present Government and the new Government. Things should be settled by adjustment and it is only then that things will improve. That being the case, I beg to submit that this is the time when the matter should be considered and we should come to an understanding as regards the pay the province can afford. Even though the Mover said that this is not a party matter and even though it was said openly, the Chief Minister said that there was something behind this motion. He believed it was not a motion for retrenchment. I would now make the thing clear by making an offer to the Chief Minister. If he would consider the matter later on—and I do not want a promise that he is going to reduce it now—if he will say that he will consider all the arguments and decide what he thinks proper in the circumstances, I am prepared to have the motion withdrawn. I may say, Sir, that if he would accept the offer and say that he would consider further, I will ask the Mover to withdraw."

* Rao Bahadur A. T. Pannirselvam:—"I am surprised that a gentleman of the position, reputation and status in public life of the hon. Member from Coimbatore should make a statement placing the permanent officials and the Ministers on the same level. He said that the hon. the Chief Minister had always been at one with him in thinking that the scale of pay to the Government officers in our Province was high. That might be or might not be so. I have expressed an opinion already and it is not relevant to express any view on the matter at this juncture. My point is that that is not the right way of looking at things to compare the position of a Minister with a permanent servant of the Government. The position of a Minister is on a different level altogether. Ministries are manned by people who have to give up their previous occupations, who have to turn to a new mode of life altogether, cut themselves away, most of them, from their previous professions, shift from their native places on to Madras and live a standard of life which will be in keeping with the dignity and position of the highest office which this House can give to any Member of this House. Mr. Hameed Khan referred to the simple life led by the hon. the Chief Minister. He might be simple but the office that he holds compels him to live up to a certain standard. I am not here to enlighten my hon. Friend, Mr. Hameed Khan, on points which are obvious and patent to any Member of the House if he will look at things with an unprejudiced view. Further the moment a gentleman occupies the distinguished post of a Minister, the general impression is that all objects good, bad and indifferent have a claim on his purse. Further you have to take into account that unlike the permanent officers of the Government their tenure is only for a short period and when this period is over they have to go back to their original professions beginning practically afresh and having forgotten their previous experience, and pick up the threads once again. It is in view of all these circumstances that as the Chief Minister said, the party has always been of opinion that a salary of Rs. 4,333 is by no means too high for the post of a Minister."

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* Mr. T. C. Srinivasa Ayyangar:—" It is not clear whether Mr. Pannirselvam has really supported the position of privilege and service to the nation appertaining to Ministers or whether he is not introducing an element of calculation in it. How many have sought the honour or expected to seek the honour of sitting on these Benches and serving the country without some little sacrifice in however humble a way? There were illustrious predecessors of some of the Executive Councillors—I do not wish to mention their names—who while getting tens of thousands outside have thrown up their income and accepted a salary which compared with the emoluments they earned was very poor. It is because they intended to lead the opinion and serve the country. It is in that spirit and for that purpose we wanted to place the honour and position of the Minister far higher than the sordid calculations of rupees annas and pies would lead us to. From that point of view Mr. Pannirselvam's advocacy for a salary of Rs. 4,000 has added little to the arguments if any against the cut motion. I desire and I expect the Ministry to consider the question thus in the way of setting an example in aid of the coming enquiry towards retrenchment.

1-15 p.m. " There is absolutely nothing behind the motion either by way of censure or anything else. What Dr. Subbarayan said in those days or what another Ministry did still earlier is not the criterion. Now, we have reached a stage in which the position of the Ministers has been well established. It is not by a comparison of salaries between the Reserved half and the Transferred half that we seek to measure the privileges and the possibilities for doing good to the country. No doubt, for some years past, there was a difference in salary between the two halves. I do not believe the Ministers have fallen in the estimation of the people. They will surely rise in the estimation of the people if they set an example, and I hope they will do it."

* Dr. P. Subbarayan:—" Mr. President, I myself am in rather a delicate position, because, as the hon. the Chief Minister pointed out, I sat there for four solemn years, and during those four solemn years I received a salary which is the same as that of the present Ministers, and it will come with ill-grace from me if I were to say that there should be a reduction in the salary of Ministers. I am not going to say anything on that point. But I want to correct a misapprehension. I believe the hon. the Chief Minister speaking on the reduction of salaries referred also to my hon. Friend, Mr. Ranganatha Mudaliyar (who is not here now) having received the same salary. I confess to the hon. the Chief Minister that I never pressed the question of reduction of salary nor agreed to any reduction and I do not propose to do it even now. But, what I want to point out to the hon. the Chief Minister is that the time has come when people will demand reduction of salaries. People are beginning to think that gentlemen holding high positions in this country are getting economically much more than what they would be getting in other free countries. So I would like to press upon the hon. Chief Minister's attention that he should agree to the appointment of a committee for the reduction of salaries and not say

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now that he is following the example of the past Ministers. So, it might be agreed that there should be a reduction in the salary for a Minister who occupies that position in days to come."

* Mr. Daniel Thomas:—" Mr. President, Sir, it is with very great pleasure that I heard the remarks of my hon. Friend, Dr. Subbarayan. I think he has put the question on a ground which is absolutely unassailable. I believe, as he says, the times are coming when the question of the salaries and emoluments of the Ministers in this country, and especially in this Province, would demand a careful scrutiny so as to satisfy public opinion. But in stating this position, I should not be understood to subscribe to the various remarks that have been made by hon. Members on the Opposition Benches. I believe the position of a Minister in our Province is a position of high dignity and responsibility. Whatever emoluments and salaries have been allowed to the Ministers so far should be continued till a careful and impartial scrutiny of the whole matter is made and a satisfactory arrangement is arrived at. I believe it is not generous or fair on the part of individual Members of this House to say, ' thus far will be enough, no further will be allowed '. I believe we can only put it on this ground, namely, that if the whole matter is reviewed by a public committee which will take into consideration the future changes in the constitution that are going to be made and which will also take into consideration retrenchment in other spheres of Governmental administration, and certain figures arrived at which will be considered to be a satisfactory scale for the Ministers as well as for other Governmental officers, I would be most eager to welcome such a committee and such a scrutiny and enquiry."

Mr. Abdul Hameed Khan:—" Mr. President, Sir, I am extremely sorry that the hon. the Chief Minister in his reply should so transform himself into a different person from what he really is, in making statements which rather come with difficulty from his mouth, and yet he remembers that it is the Chief Minister and not the plain and simple Mr. Muniswami Nayudu that is speaking. Sir, I made it very clear and made it very plain and went out of my way to make it clear, that it was not a censure motion, but that it was a suggestion to the hon. Ministers of this Government to make a reduction in their salaries voluntarily, taking into consideration the finances of the Province, taking into consideration the examples set by other Ministers in other provinces, and taking into consideration that it was not a question of emoluments for which they have come and occupied those offices but it is only for the opportunity to serve their countrymen that they are there. The hon. the Chief Minister referred to the fact of his party having come to a decision that the salary that they were receiving now was an amount that was not considered to be too high. May I remind the hon. the Chief Minister that one of the late Chief Ministers, the late Raja of Panagal, and Mr. A. Ramaswami Mudaliyar when giving evidence before the Joint Parliamentary Committee very clearly said that they were not asking for the transfer of more subjects to responsible Ministers for the sake of any emoluments but they were asking for that

transfer for the sake of affording them an opportunity for making it possible for them to serve their countrymen? They also said that those offices did not require salaries. May I remind the hon. the Chief Minister, if he has any time to look into that evidence that his Leader has given before the Joint Parliamentary Committee, that he will find that even against one of our own countrymen—I suppose it is Sir C. P. Ramaswami Ayyar who thought that the Ministers should get the same salary as the Executive Councillors—it was his Leader the late Raja of Panagal who said that they were working there not for the sake of the remuneration or the salary but for higher considerations. Now, the hon. the Chief Minister comes forward with the plea that his party has come to the conclusion that the salary they are receiving is not in any case high. I am sorry that he should come forward with such an argument in support of his position. Sir, I do not know why my hon. Friend tried to throw the blame on me for making this motion sitting as I do with Dr. Subbarayan, and for joining his party. But I do not want to go into that question now. I can also twit my hon. Friend Mr. Muniswami Nayudu in the same fashion, but I do not want to take that position, Sir, because it is not good that we should have this kind of recriminations in this House. But, Sir, how does this argument that I am sitting with Dr. Subbarayan make it possible for the hon. the Chief Minister to get the same salary as he does even now? I fail to understand the argument that, if Dr. Subbarayan when he was the Chief Minister stuck to that salary and did not agree to a reduction of the salary, he should also receive the same salary, as Dr. P. Subbarayan was receiving. Sir, Dr. Subbarayan lives in a particular fashion and his expenditure was on a particular scale. But are we comparing the expenditure of the various occupants of the Ministerial places? Are we going to see that it is necessary that the Chief Minister should live in a particular style? Sir, if to-morrow my hon. Friends vacate their seats and enable us to go there, you will see that Dr. Subbarayan and the other Ministers will be glad to receive only Rs. 3,000 and not more (laughter). Why don't you do so? We want the hon. Chief Minister to come forward and do so. I find, Sir, he is likely to agree to a committee to go into the question of salaries. (Voices: Oh!) I understand he has agreed to it. But whether he goes back upon it or not, that is another question. Further, Sir, I am extremely sorry that the hon. the Chief Minister did not take this question in the light in which I moved it."

The hon. the PRESIDENT:—" Does the hon. Member press his motion? "

Mr. ABDUL HAMEED KHAN:—" No, Sir. I withdraw it."

The motion was by leave withdrawn.

* Mr. A. B. SHETTY:—" I beg to move—

'*that the allotment of Rs.* 1,99,600 *for Civil Secretariats be reduced by Rs.* 100.'

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"My object is to raise the question of the provincialization of the Hindu Religious Endowments Board. The hon. the Chief Minister is one of the prominent members of the party that was responsible for bringing forward the Religious Endowments Bill and putting it on the Statute Book. He knows that the Board is now very much hampered in its work on account of financial difficulties. It has to come again and again to the Government and ask for loans, which it is not able to repay. The levy of a contribution from the temples is also very much resented by the people, and if the Board is able to do away with these contributions, its administration will become really very popular. The question of the provincialization of the Endowments Board has been again and again raised in this House, and the advantages of provincialization have been pointed out by the Endowments Board in its reports year after year. If the Board is relieved of the work of collecting contributions from the temples, it will be able to devote fuller attention to its legitimate work of administering the Hindu religious endowments, and by the removal of its present financial embarrassments the Board will command greater prestige in the eyes of the public and the trustees of temples. The Board's staff will have a sense of security which it has not now, and the chances of co-operation with it of the different Government departments like the Revenue department and the Registration department would be much greater, and it will help the Board in all branches of its work. I therefore appeal to the hon. the Chief Minister to take advantage of the position which he is now occupying and press upon the Government this question of the provincialization of the Hindu Religious Endowments Board."

At this stage the House adjourned for lunch.

After Lunch (2-30 p.m.)

* Mr. M. A. Manikkavelu Nayakar:—"Sir, I want the hon. Minister to pay his very best attention to this subject. I remember, Sir, that in establishing this Board, the hon. Minister played a very important role. In the teeth of opposition and against great odds, he with his late lamented leader fought shoulder to shoulder and placed this useful piece of legislation on the Statute Book. Having done that, is he now going to allow this institution to languish for want of funds and proper and sympathetic care? Nobody knows better than the Minister himself about the state of the finances of the Board. I hear that the Commissioners of the Board have not received their salaries for the last two months. Is he going to allow this state of affairs to continue? Sir, you must have this institution going properly or you must scrap it. The latter course is now out of the question because, even those who opposed it in the beginning, now think differently and have recognized the necessity for this institution. Therefore, Sir, there is no going back upon this. We have to make it work more efficiently with little finance. I am glad that the hon. Minister proposes to introduce an amending bill although it deals only with the recovery of contributions from the temples. Sir, the very idea of a contribution is

not popular in the mufassal, because having been long accustomed to pay no contribution at all they dislike the idea of being worried by inspectors and other officers of the Board for the payment of contributions. Therefore it is necessary in the interests of the proper administration of the Board and of the smooth working of the Act that we should find other means for financing the Board. I do not see any reason why the State should not come in for helping the Board. Sir, in the case of the English Church I understand that the Government of India contribute large sums of money. Here, in this case, when the Hindus contribute the bulk of the revenues, why should not a small portion of that revenue be set apart for this Board? Probably the hon. the Finance Member might plead lack of funds this year. But that should not be a valid reason, because money is being found for other purposes and for supernumerary and unnecessary establishments. It is admitted that this institution is a very useful one and therefore I request the hon. Minister to use all his influence and with the might of his party induce the hon. the Finance Member to yield to some extent. Though it may not be possible this year to contribute the entire amount for placing the establishment of the Board on a provincial basis, let him at least get a subsidy of a lakh or a lakh and a half to keep this institution going. If he does this, he will be doing a great service to the country at large."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, the question of the Hindu Religious Endowments Board has been discussed time and again on the floor of this House. Some members held the idea that the Board should be abolished while others maintained that it should go on functioning. This Board came into existence by the statesmanlike step taken by the late Raja of Panagal. I know that there was considerable opposition to the passage of his Bill creating this Board and it was that opposition which was to a certain extent responsible for very nearly defeating him in the elections to the Third Council. I do not think he was sorry for it at all. When the amending Bill came up before the House, there was a lot of opposition. But to-day, I may say, that if a referendum is taken on this question there will be a great majority in favour of the retention of this Board. As one who knows the condition in which the temples and mutts are existing in the south especially, I may say that an administrative machinery like the Board is very necessary to control them. For this purpose, the Board should be very vigilant which it is not to-day. It has become a mere post office between the Minister and the parties concerned. As the Board's authority is not final, they are sending up every bit of paper to the hon. Minister. I wish the Board is given powers to deal with at least ordinary questions. Now, if the Board is to function properly, it must be placed on a sound financial footing. Otherwise it would not function properly. I will give the House a glimpse of the present financial position of the Board. There are about five members including the President. I was told some time back that although it was about the 10th of the next month, the Commissioners could not get their salaries for the previous month. If this sort of thing

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continues how can you expect the work to be got through satisfactorily? They are not collecting properly the contributions from the temples and mutts, as they are unable to do so, owing, to some extent, to the numerous exemptions granted by the previous Ministry. The fault is not of the present Minister because he has been in office only for six months. I will take another opportunity to speak about the policy of the present Minister. Sir, I am glad now to say that he has got a Bill for making the collection of dues easier. I hope when it is introduced in the Council it will be passed without any opposition. Sir, even if we make the collection easier, the success of the administration of the Board cannot be assured unless we place the Commissioners on a permanent footing. I see that most of the Commissioners are lawyers and if their posts are provincialized there is the possibility in future of sub-judges and others being regularly posted to this Board. These five or six persons should constitute a *regular* court with power to dispose of cases as they would in a court of law. They are not the final authority now. I would be very glad if the Board is given power to decide on questions of law, questions of policy alone being left to the Minister. I would urge upon the Minister to bring in a Bill to provincialize the appointments of these Commissioners in the near future and earn the congratulations of one and all. Sir, this being a token motion, if it is pressed to a division we would have to vote against it. I hope the hon. Mover will withdraw it after hearing the hon. Minister."

* Sriman M. G. Patnaik Mahasayo:—" Sir, I wish to say one word about this Board, or rather, the Act constituting it. According to it the smaller temples known as non-excepted temples, have to pay double the percentage paid by the excepted temples. They are paying three per cent of their income whereas the excepted temples are paying only one and a half per cent. It is quite unreasonable."

* The hon. the President:—" I would remind the hon. Member that we are on the question of provincialization of the staff."

Sriman M. G. Patnaik Mahasayo:—" Sir, my point is that even after provincialization of the staff this sort of injustice should not be perpetuated. They should treat excepted and non-excepted temples alike. Sir, we are now in sight of a Bill aiming at making the collections from temples easier by treating them as arrears of revenue. In this connexion therefore I would appeal to the hon. Minister to look into the classification of the temples as excepted and non-excepted, as otherwise, much injustice will be done to the smaller temples.

" As for the district committees, Sir, if at all they have to continue, let them function as deliberative or advisory bodies. Let not the collection work be entrusted to any staff employed by the district committees. Let it be entrusted to a staff employed by the Government. If this is done I think some savings also can be effected. I hope the hon. the Minister will bear this in mind and do the needful."

* The hon. Diwan Bahadur B. Muniswami Nayudu:—" Let me say that I am entirely in sympathy with the object of the motion and appreciate very much the opinions expressed by various Members from

different sections of the House that they would favour any measure brought forward by the Government for the purpose of provincializing the Endowments Board. The question has been engaging the attention of Government. Even in the original Bill there was provision for this, but at that time public opinion was not strongly in favour of it. I am glad that opinion has now changed and that it is veering round to the view that provincialization of the Board is a step in the right direction. Sir, I had only a short time at my disposal. But within that short time I have got a Bill drafted and ready for introduction if possible this month for the purpose of enabling the Board to recover the contributions due to it as quickly as possible treating them as arrear of land revenue for the purpose of collection and also to entrust the Endowments Board with the powers of a committee during the time when a committee has not been or could not possibly be constituted. With these two provisions embodied in two clauses of a Bill, I propose to introduce it as a temporary measure. I propose to take up later on an exhaustive and comprehensive amending Bill. I have got two drafts made of it already, one by the late Sir T. S. Sadasiva Ayyar, the first President of the Board, and the other by Mr. Ranganatha Mudaliyar, when he was Minister in charge of this portfolio. I wish to consider them in detail to see how far they can be made use of.

2-45 p.m. "All the same I think I am right in assuming that the opinion of the House will not be against provincialization. There is another question as to whether, if the Board is to be provincialized, any contributions should be levied from the temples or not. I gather from one or two speeches that were made that the whole amount should be found from provincial revenues and that the temples should not be asked to contribute anything. To what extent it may be possible I cannot say at present. If only our finances permit I shall be glad to comply with the wishes of hon. Members of this House. In view of the statement I have made, I hope the hon. Member will withdraw his motion. But at the same time I cannot promise him that we can tackle the question immediately in the face of the present financial stringency."

The motion was by leave withdrawn.

Demand XI—Ministers, Civil Secretariats and Miscellaneous—Transferred—for Rs. 4,68,200 was put and carried and the grant made.

DEMAND XII—ADMINISTRATION OF JUSTICE—RESERVED.

* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"On the recommendation of His Excellency the Governor I beg to move—

> '*that the Government be granted a sum not exceeding Rs.* 85,82,200 *under Demand XII—Administration of Justice—Reserved*'."

Mr. Abdul Hameed Khan:—"I beg to move—

> '*that the allotment of Rs.* 6,59,100 *for High Court be reduced by Rs.* 100'.

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" My object in moving this cut motion is to discuss the tardy disposal of suits in District and High Courts.

" Sir, I move this cut in order to raise the question whether it is not necessary that we should now call upon the High Court and the various District Courts to expedite their work and prevent arrears accumulating as at present. With regard to High Court about which alone I can speak, I must say that, although the number of Judges has been practically increased up to 16, although a Master has been appointed, and although the work has been distributed among all these Judges, the arrears have been increasing year after year, and no endeavour has been made to reduce these arrears. Year after year in this Council during the Budget time, the attention of the authorities concerned was drawn to this deplorable state of affairs, but to no purpose. We must look at the question not only from the official point of view but also from the point of view of the ordinary litigant who is involved in these suits. There are cases I understand which have been pending for years and years. I believe there is a case pending for the last about 11 years. I do not know why such a state of affairs should be allowed to continue. Formerly the plea was that there were not sufficient number of Judges. When the number of Judges has been increased and when a Master has been appointed who takes up a good deal of routine work previously done by the Judges, we find the same state of affairs continuing. It is therefore high time that this Government takes some steps with regard to this matter and sees that the work in the High Court and other District Courts is expedited and accumulation is prevented.

" Sir, I do not know if there is any hon. Member here who has given notice of a cut motion to urge upon the Government the necessity of giving a holiday to the High Court Judges during week days. I understand there is a cut motion given notice of by an hon. Member. I do not know what it is that impelled that hon. Member to be so solicitous to the Judges of the High Court as to ask the Government to allow them a holiday during the week. I suppose, Sir, you are aware that the Judges have got in a week two holidays, viz., Saturday and Sunday. On working days the Judges meet at 11 o'clock and go on till about 1 or 1-30 p.m., again sit at 2 or 2-30 p.m. and finish their work by 5 p.m. Besides this they have got a long vacation which I do not grudge giving them. I do not know why the High Court, just like the City Civil Court and Small Cause Courts, should not sit on Saturdays also. To this it is replied that they should be given time to write their judgments on Saturdays, so that they may deliver them on Monday. It looks as though this is not sufficient some Member wants to give them another holiday during the week. On the other hand I should think that just like other Government offices, the High Court should be asked to work on Saturdays also.

" Sir, with regard to vacation, as I said before, it is too long. It used to be said in favour of allowing this vacation that most of the

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Judges, who are Civilians or Europeans, must have an opportunity of going to England and there must be enough time for them to go and return. I do not know how many Judges as a matter of fact do avail themselves of this vacation. If really any Judges wishes to go home in order to take rest or in order to see his people, he can avail himself of the leave that he can get. If he really wants to go home on his domestic work or private work he can certainly apply for leave and take it for two or three months and go home. I do not think any Judge wishes to spend so much money to go to England once every year during the vacation. Why could we not compare these Judges with higher officers in Government such as hon. Members on the Treasury Bench and so on? They do not want long vacation as the High Court Judges. I am sure they have also to work hard as the Judges of the High Court are expected to do. I do not see why this distinction should be made between one Member of the service and another. For these reasons I am moving this cut motion and I have no doubt that the Government will take the necessary steps to rectify matters."

* Mr. A. B. Shetty:—"I have great pleasure in seconding the motion moved by my hon. Friend, Mr. Hameed Khan. Delay in the disposal of suits and appeals and execution petitions is continuing in spite of the steps that the Government have taken and are taking to give facilities for the speedy disposal of cases. It has been suggested that a committee should be appointed to investigate into the causes of delay and to suggest remedies. Government ought to create additional courts and appoint temporary Judges to clear off the arrears, so that the permanent judicial staff may attend to their normal work. Sir, in this connexion I must say that the importance of the process establishment and its relation to the administration of justice has not been sufficiently attended to in spite of what the Civil Justice Committee have said about it in their report. This is what they say:—

'Opinion is almost universal that one of the main sources of delay in the disposal of suits and other original proceedings as well as of appeals and execution petitions is the delay in the service of processes. All proceedings in civil courts are initiated by the presentation of plaints or petitions and it is by the service of processes that the opposite parties are called upon to answer the case against them. Similarly the court executes its decrees and orders by the issue of processes. Delay in the service of processes necessarily entails delay in the hearing of civil proceedings. Conversely hasty or improper service gives rise to proceedings to set aside decrees or orders. A large part of the time of courts will be saved if a reliable and efficient agency for the service of processes can be devised.'

'It is therefore of the highest importance to institute a careful enquiry into the defects of the present system and the causes that contribute to the unsatisfactory character of the service of processes. It would be no exaggeration to say that in the interests of efficient administration of civil justice satisfactory service of processes is as essential as the competency and honesty of tribunals.'

"Sir I wish to know what the Government have done to effect the necessary reform in this branch of administration. Last year speaking on a similar cut motion during the Budget time the hon. the Law Member said that a large volume of work done by the Judges of the High Court had been delegated to the Deputy Registrar (now called the Master) and that, in this way the time of the Judges which would be otherwise spent in routine matters has been released for the purpose

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of disposing of cases. Government may very well make a similar arrangement to relieve the judicial officers in the mufassal also of their preliminary work, so that they may take up contested cases when the day's work begins. This will enable District Judge, Sub-Judges and District Munsifs to dispose of cases as speedily as judicial officers in additional courts are able to do now. I hope the hon. the Law Member will give his attention to the suggestions made by me."

* Mr. U. C. Subrahmanya Bhatt:—"In supporting this motion I should like to submit that the speedy disposal of cases does not depend only upon the number of holidays or the number of days in which the officers work. It depends, to a large extent, upon the co-operation and upon the healthy relations which exist between the bench and the bar. I may say that in a place where the relations between the Bench and the Bar are not healthy, as in the case of Mangalore Subordinate Court, the work cannot be speedily disposed of.

"I know of instances in the Subordinate Court of Mangalore, where 3 p.m. the senior-most member of the Bar and who is much respected, is most discourteously asked to button his coat before he argued. Another respected member of the Bar is similarly asked to stand erect and argue. Such things are done simply with no other object than that of teasing and insulting the members of the Bar. There was another instance which came to my notice where an advocate kept his car in the public road and in front of the Sub-Court. The Subordinate Judge, though he knew whose car it was, comes in and asks: 'peon, whose car is that? It is Nambiar's; ask him to have it removed immediately.' This is what took place. If this is the attitude that exists between the Bench and the Bar, I dare say that the administration of justice cannot be conducted properly, and there will be delays both on account of the Bar and on account of the Bench; ordinary petitions which might be disposed of in half an hour, often take two or three hours; so much so, the work does not go on. I have also given notice of cut motions to draw the attention of the Government to the attitude of the Bench towards the Bar and the client public. These are not the only instances so far as the Mangalore Sub-Court is concerned. I wish to draw the attention of the Government to the fact that the present Subordinate Judge of South Kanara is used to passing unnecessary remarks against the members of the Bar in his judgments. For instance, I may say that in one of the judgments he passed the following remarks: 'the defendant must thank those to whom he has entrusted his case'; while in another he remarked that the learned vakil cited 58 M.L.J. without caring to read the same. My submission is that these remarks are not at all necessary for giving the judgment in the case. It is the treatment such as this, which is meted out to the members of the Bar, which is, in a large measure, responsible for the delay in disposal of cases besides bringing the administration of justice to contempt because, without the co-operation of the Bar, the Bench alone cannot hope to dispose of suits quickly. Again, Sir, he loses his temper and passes orders which in sober moments he might not do and then the next day

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he coolly changes his order saying that the court has power to change having in the meantime come to know of his mistake and illegality of his previous order without even giving notice to the party.

"Then, Sir, there is the other question of the appointment of Judges, Munsifs, etc. For instance, take the instance of the Sub-Court to which nowadays much of the work which was formerly disposed of by the District Court—such as land acquisition cases, etc., is transferred. People who are newly appointed as Sub-Judges, should not be posted to such courts; because these Judges are quite new to this sort of work and necessarily they will be much slower than experienced Subordinate Judges. I wish to bring to the notice of the Government also some other facts that should be taken into consideration in making these appointments. The Government must take care to see that people who have been either practising in the mufassal courts or those who are residents of those places, should not be appointed as Judicial officers in that district. Perhaps the hon. the Law Member will at once say that it is a common practice that people who have been practising in the High Court, are appointed as Judges of the High Court. The integrity and nobility of character which the high office of the High Court Judge calls for, is not called for in the case of the smaller courts. Moreover, the sanction of public opinion which is found in a big place like Madras, is not to be found in smaller places like the district head-quarters and taluk headquarters. Such things will lead people to think that they cannot get sufficient justice at the hands of Judges who had been practising in the same place. I am not accusing any individual persons; but I would say that this state of things is not quite fair and is not in the best interests of the administration of justice. When a number of people could be found who have not been members of the local Bar or who have nothing to do with that particular district, it would be advisable to post these people in preference to those who have been members of the Bar practising before the courts over which they are asked to preside. With these observations, I resume my seat."

* Mr. A. Kondappa:—"Sir, I wish to offer a few observations on this subject of law's delays. No doubt, as my hon. Friends of the Opposition Benches stated, there is considerable delay in the disposal of cases. The grounds advanced by previous speakers are convincing in certain cases but they are not universal. I may state that delay is as much due in certain cases, to the Judicial officer as well as members of the Bar practising in that court. I may assure my hon. Friends that I have experience of the Bar not only of one court but also of several courts in three districts. I may assure hon. Members that the Bar is also responsible for the delay in the disposal of cases. I may give one classical instance without mentioning the name of the member of the Bar. He is a very distinguished criminal lawyer. If he knew or scented that the decision would go against him in a case either before the Magistrate or before the Sessions Judge, he had devised one very ingenious method of examining a number of witnesses from day to day, till the Judge felt that he was unable to record

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depositions further—even though he may be a good and painstaking Judge—and till the Judge came down and said 'Why do you want to examine so many witnesses; probably the judgment will be in your favour'. To attack the judiciary alone and say that they alone are responsible for the delays is not altogether well-founded. There are delays in some cases because members of the Bar do not prepare their briefs properly at home; instead of finishing cases within 10 or 15 minutes, they take a lot of time and waste the time of the court. If, in such cases, the Judicial officers observe 'You are wasting the time of the court,' the members of the Bar get annoyed and they endeavour to devise ways and means to retaliate and to prolong the case. Therefore, I seriously suggest to my hon. Friends on the Opposition Benches that the remedy does not lie solely with reformation of judiciary but the remedy has to be sought elsewhere also. We have to reform the Bar as well as the litigants. First, raise the character of the members of the Bar; make them realize their responsibilities; let them realize the honour of their profession. (Mr. Abdul Hameed Khan: 'What about Public Prosecutors?') The Public Prosecutor is only a member of the Bar. If that is done, I am quite sure that there would not be considerable delay in the disposal of cases.

"At the same time, I may assure my hon. Friends in the Opposition Benches that I am not admiring the judiciary at all. The present judiciary, especially in the mufassal, is in my opinion far from efficient. As my hon. Friend, Mr. Subrahmanya Bhatt, stated, there are some members of the judiciary with likes and dislikes, prejudices and predilictions. There may be an enquiry committee to go into the conduct of these Judicial officers so that they may be turned out after a short notice; or we may devise a system by which we may recruit Judges for a period of five or ten years; if public opinion or the expert committee thinks that they are unfit to occupy those Judicial offices, they will be turned out. (Mr. Abdul Hameed Khan: 'What are they to do?') They have to go home or practise at the Bar. My suggestion is not only to reform the judiciary but to reform the Bar also. I may tell my hon. Friends that, even among the members of the judiciary, there are brilliant exceptions, men who are anxious to do their duty, men who are anxious to show every courtesy and consideration to the litigants, witnesses and members of the Bar. There is a large number of such Judicial officers in our province. Let us not condemn indiscriminately bad men and good men in the Judiial service. Perhaps the smaller number of courts is responsible for the delay in disposal of cases. We have got few courts in particular districts and we know what volume of work has to be turned out by a Judicial officer every day. Fifty or hundred members of the Bar will appear before the court; they will prepare elaborately facts and case law and present them to the Judicial officer. Ten or fifteen cases are disposed of every day; unless the officer is more than human, unless he is exceptional in capacity, in talents and in patience, he would not be able to deliver judgment in time. Some of the Judicial officers are working at considerable strain. When these are the facts, we

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cannot justly accuse the Judicial officers of unnecessarily delaying the cases. I know very well that the High Court has prescribed the rule that judgments should be delivered within a fortnight; ordinarily the Judicial officers would be unable to deliver judgments within a fortnight; and then the cases are re-opened and further re-opened. Some steps should be taken to remedy some of these defects."

3-15 p.m. Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Sir, I shall intervene in the debate for a short while. Member after Member was saying that we are very extravagant in paying the Ministers very liberally. If we consider the waste of public funds which this Council has to sanction for the pay of the Judicial officers and the delay that is caused in the disposal of cases, I think we can cut down the pay of these officers and pay it to the Ministers. The outturn of work prescribed for these officers is very poor indeed. Even that outturn is not successfully turned out. I suggest, Sir, that there should be a committee going about the Presidency to scrutinize the work of these Judicial officers. My hon. Friend, Mr. Subrahmanya Bhatt from South Kanara, said that there was want of co-operation between the Bar and the Bench. I must say that there is too much co-operation between the Bar and the Bench with a vengeance to the detriment of the clients. Let the vakil for the plaintiff and the vakil for the defendant first co-operate and then let them come to the Judge. I think Government should come to the rescue of the clients more than to the rescue of the vakils, the Bar or the judiciary now; and it is high time that some deterrent action was taken to check the delay in the Judicial department from the District Munsif's Court up to the High Court, in the disposal of cases."

* Mr. M. A. MUTHIAH CHETTIYAR:—" Mr. President, Sir, I am in full sympathy with the cut motion to urge upon the Government the necessity of taking immediate steps to clear off arrears of work in the High Court by the appointment of additional Judges. Sir, it has been said that a large sum of money is being wasted already on the Judicial department. I do not agree with that. I cannot accuse the Judges for the arrears. I know they are very much hard-worked. In respect of these arrears, it is said parties are also to a certain extent responsible. Whatever it is, the work in the High Court has increased, and nobody doubts it. It is now probably more than what fourteen Judges could do, and if you are not going to appoint additional Judges, how can you expect arrears to be cleared. To ask the present Judges to speed up, Sir, I think, is not a practical suggestion. What I would suggest is, appoint about half a dozen new Judges to deal with arrears . . ."

Mr. ABDUL HAMEED KHAN:—" What about honorary Judges?"

* Mr. M. A. MUTHIAH CHETTIYAR:—" Will you accept one? In that case, certainly we can think of that proposal.

" If that could be done, Sir, the present Judges can take up cases that are filed from day to day and dispose of them without any delay; while the Judges to be appointed may take up the arrears. I hope

they will be able to dispose of all the arrears in two or three years and I think the total amount to be spent on the scheme will not be more than 12 lakhs. I hope the hon. the Law Member will consider this proposal seriously. It is true that the Secretary of State has fixed the number of Judges; but I would urge upon him to address the Secretary of State in the matter. In the case of the district and sub-courts, some Members have said that there is inordinate delay and that the Judges should be asked to speed up. In the case of arrears in these district and sub-courts, wherever necessary, additional courts may be established.

" I remember that hon. Mr. Hameed Khan also said that the Judicial officers are enjoying holidays for too long a time. It is a controversial question. We have at present in the High Court about half a dozen Judges who would probably like to go to England and they would certainly like to have a holiday for two or three months. Not only the High Court Judges, but practically all the officers of Government are accustomed to enjoy two months' holiday every year. I do think the Ministers also enjoy four or five months' holiday on the hills every year. (Laughter.) So, I do not think it is right to say that the Judicial officers should be deprived of holidays. The same hon. Member also said that Saturday should be made a working day. I do not agree. Some Judges have said already that it is not possible for them to write out judgments during the week days as they have to prepare for their daily work in the court. I am therefore in favour of appointing more Judges for the disposal of the arrears and I hope the hon. the Law Member would do his best in the matter."

* Mr. V. T. Arasu:—" Mr. President, Sir, I have given notice of a cut motion myself, with a view to draw the attention of the Government to the need for the creation of a separate commercial court, attached to the Madras High Court.

" With your permission, Sir, I should like to make a few remarks in that connexion on this cut motion that has been moved by Mr. Hameed Khan. I am not going to express any opinion on the question, Sir, as to who is responsible for the delay in the disposal of suits. It may perhaps be that lawyers are to a certain extent responsible; and it may also be that the Judges are to a certain extent responsible—I am not going into that question at all. But what we do find from the discussion that has taken place just now on the floor of this House is that there is considerable delay in the disposal of suits, particularly in the disposal of suits pertaining to commercial transactions. I would urge upon the Government that suits arising out of bona fide commercial transactions, i.e., in the course of the business man's transactions—for example, the sale of goods, etc.—should be disposed of as quickly as possible; and for that purpose I would request the Government to consider the necessity of forming a separate court altogether and call it a commercial court. It might be well-known to the hon. the Law Member that in countries like England and France,

there are such courts called commercial courts, and these courts deal with cases specially pertaining to commercial transactions. The hon. the Law Member would also have noticed that somewhere about last month Mr. Brooke Elliot addressing the Madras Rotary Club, threw out this suggestion to the Government and made out a very clear and emphatic case in regard to this matter. He instanced very many cases arising out of commercial transactions still pending in the High Court which were instituted somewhere about the year 1917. If disposal of commercial suits is to take such a long period as 13 or 14 years, what will happen to the business man? He will certainly have to go to the wall. I am afraid, Sir, that the Government will come forward and say that it is not possible to appoint an additional Judge; but I am not suggesting for a moment that the Government should appoint an additional Judge for this purpose. There are at present two Judges in the Madras High Court sitting on the Original Side. Of these two Judges, one might be specially allotted this work of disposing suits arising out of commercial transactions and name it the commercial court. Such a step will, I am sure, facilitate the work of both the advocates and the Judges."

* Rao Sahib B. VENKATARAMAYYA:—" Sir, I should like to say a word or two in this connexion. I am not going to cast any reflection either on the Bench or on the Bar. It is quite unnecessary to deal with that point. Both the Bench and the Bar happily—barring the exceptional instances which Mr. Kondappa mentioned—pull on very well in every part of the province. For one thing, we do not want additional Judges for expediting the disposal of cases. Some hon. Member suggested that some money can be saved here and utilized for the salary of the Ministers. It is entirely irrelevant in this connexion. All that we are concerned with now is the speedy disposal of cases, so that the parties may be benefited. The one way to enable the judiciary to dispose of cases more quickly is this: One hon. Member from the other side pointed out that a lot of administrative work in the High Court is being done by the Deputy Registrar. In a similar manner, if most of the miscellaneous work that is now being done by the subordinate judiciary—which in some cases occupies the time of the Judge for nearly two hours—is attended to by the ministerial officers, a lot of saving of time can be effected, and in that way quicker disposal can be assured. As it is, nearly two hours are taken up for miscellaneous work and one hour for lunch; and out of the five hours' time allotted to the Judge every day, only two hours will remain. In some cases Judges will attend half an hour late and thus only about an hour and a half is left. I would therefore suggest that if most of the miscellaneous work that is now done by the Judges is transferred to the chief ministerial officer of the court, much saving of time can be effected. I think this suggestion has been made in former years, but I do not know why it has not been followed up. I would request the hon. the Law Member to look into this matter and see whether it could not be adopted, with a view to relieve congestion of work."

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* Sriman M. G. Patnaik Mahasayo:—" Mr. President, Sir, some of the previous speakers were rather hard upon the Judges, some upon the Bar and some upon the people. The hon. gentleman who said that the Bar alone was responsible for the delay, forgot that the litigants are more responsible for it. They very often fail to take witnesses and on that account adjournments are asked for. Therefore, if you insist upon Government demanding the disposal of a certain number of suits within a particular period, you will be putting pressure in favour of a more mechanical disposal. Disposal, of course, can be made in two ways. There are some cases where summary disposals can be made, and the Judges can say 'we have disposed of so many suits within such a short time.' There may be, on the other hand, some hard cases which will take a longer time. For instance, ten cases may be disposed of in one day, while one difficult case may take ten days for disposal. Each case has to be disposed of on its merits, and if you place a time-limit, then the disposal will become purely mechanical. What will the Munsif or Judge do if you ask him to dispose of so many cases in so many days? He will simply dispose of all the cases within time; but most of them will be decided ex parte or dismissed for default or for some other reason. The Judge can dispose of suits in that way. That is the sort of disposal you will get if you insist upon Government putting pressure on the Judges to dispose of suits more speedily. I think that is not the proper way of doing it. So far as my experience of the Bench for more than twenty years as a pleader goes, every Judge tries to dispose of suits as quickly as possible. But then, Judges do not want to dismiss suits for default, nor do they want to decide ex parte, and no member of the Bar would like a Judge if he does that. But still, there are some persons who care for mere disposal, and such Judges we do not like at all. Neither the Bar nor the people like such Judges. Would you like to have such persons to be set up as a model for other Judicial officers? I think nobody would like it. Therefore, I say it is wrong to ask the Government to put more pressure upon the Judges to dispose of cases more quickly; that would only result in a mechanical disposal of cases. How can you find out the nature of the suit in each case? And how can you find out whether a case is disposed of mechanically or not? If you fixed the number of cases to be decided in a particular period, then you must describe the nature of such suits; and for deciding that, you will have to employ another officer, and for that purpose, you will have to spend money. All Judges are respectable people, learned people, and I think you must leave it to their sense of duty to dispose of cases as early as practicable. If there are arrears, you must appoint additional officers to dispose of them. That is the only way to deal with the problem. Of course non-lawyers may say so much money is being wasted, and all that; but they do not know the difficulties in the matter. And so far as I know, Judges dispose of suits quite justly. I therefore hope the cut motion will be withdrawn."

* Mr. M. A. Manikkavelu Nayakar:—" Sir, this is not the first time that this question of delay in the disposal of cases is brought to the notice of Government. For the last few years this question has been

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discussed on the floor of this House every year. As far as possible, the delays ought to be lessened for two reasons. One is that such delays entail greater expenditure on the public exchequer, and the second is that they cause great inconvenience and discomfort to the litigants and mean more unnecessary expenditure for them. No doubt, I am glad to say after these discussions on the floor of the House, the Government have moved in the matter; but judging from the results, I do not think they are quite satisfactory. I hope that they will pursue the matter further and try to lessen the delays as far as possible.

" Let me now give some figures, Sir, as to the delay caused as between the year 1928 and 1929 from the ' Statistics of Civil Courts ' furnished to us. In the case of Revenue Courts, it is said that as regards disposals, there was a fall from 31,612 to 24,639. The number of suits pending has gone up from 7,708 in 1928 to 10,022 in the year under review, i.e., 1929—the increase being highest in Ramnad.

" The number of suits pending for over three months was 6,627 as against 4,923 in 1928 and it is also stated that an explanation is called for. That is with regard to Revenue courts.

" With regard to District Courts, it is stated that ' the disposal fell from 491 to 338 and the number of suits pending at the close of 1929 rose from 644 to 731. It is unsatisfactory to note that the pendency increases despite the fall in institution.

3-30 p.m. " Again, Sir, in the case of the Madras City Civil Court, it is stated:—' The number of suits pending at the close of 1929 was 387 as against 287 in 1928. It is disappointing to note that in spite of the remarks made by Government in G.O. No. 4436, Law (General), dated 14th November 1929, the number of pending suits was allowed to rise despite the decrease in institution. ' Sir, in the case of the officer presiding over this Court, the Government themselves have admitted that in spite of their warning the pendency has been increasing. I should suggest that if they cannot mend this particular incumbent, they ought to end him by appointing another in his place. If a confidential report is called for from the High Court, I think, my statement will be justified.

" Then, with regard to disposals in the High Court, ' the number of appeals filed against the orders of the mufassal courts was 507 against 549 in 1928, the average for five years being 508. Three hundred and twenty-four cases were disposed of and 1,152 were left pending at the end of 1929, the corresponding figures for the previous year being 352 and 969 respectively. One hundred and twelve appeals were filed against the decrees passed on the Original Side of the High Court as against 143 in 1928, the average for the five years being 114. The number of appeals from the decrees of the City Civil Court was 58, the figures for the previous year and the average for the preceding five years being 58 and 73 respectively. Eleven appeals were disposed of against 32 in 1928, leaving 145 pending at the end of the year against 98 in 1928.' From the above figures, it will be clear that the disposal has not been so good as in the year 1928.

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" The disposal is unsatisfactory in the case of revision petitions also, but it is satisfactory only in the disposal of cases in the appellate courts where district courts and sub-courts act as appellate courts. The Government, in their order at the end of the report, have recorded: 'The Government note with regret that there has again been a fall in the disposal of ordinary and small cause suits by District Munsifs. They await a report from hon. the Judges on the result of the action taken by them in the matter of revising the existing standards of out-turn of District Munsifs' courts. The increase in the number of ordinary suits pending for more than one year in these courts is an unsatisfactory feature. The Government endorse the adverse comments of the hon. the Judges on the lesser number of suits disposed of by District Judges and on the rise in pendency despite the fall in institutions. That it was not possible for the District Judge, Trichinopoly, to dispose of even a single civil suit is regrettable. The increase in the pendency of suits in the City Civil Court in spite of a decrease in institutions is again disappointing. Government observe that there is still large scope for improvement in the matter of inspection of subordinate courts by District Judges.'

" Sir, my grievance is that no mention is made about the disposal of cases by the hon. Judges of the High Court and I do not know why no warning was given about the disposal of cases in that particular court. There also from the figures I have shown, the disposal is not so good as it ought to be. Therefore, may I know whether any confidential communication was sent to the hon. Judges of the High Court and if not what effective steps Government propose to take in calling the attention of the hon. Judges of the High Court to remedy this long delay in the disposal of cases? Personally I know that in the case of second appeals and first appeals, there are cases as old as seven or eight years."

* Khan Bahadur Yahya Ali Sahib Bahadur:—" Mr. President, Sir, I wish only to make one or two remarks, as I have been associated with the working of the courts in my district so far as the administration of justice is concerned. Sir, hon. Members on the opposite side seem to forget that the administration of justice pays its way and has never proved a burden on the tax-payer. All their arguments were based on the assumption that the money of the rate-payer is being considerably wasted, but I believe that that view is not well-founded. Then, Sir, so much has been said against judicial officers, which I feel is rather hard. These officers are doing their work with the highest sense of responsibility and with probably a few exceptions, they are working to the utmost of their capacity. I am yet to know personally of a case, where the case was ready, the litigant was ready, the Bar was ready, but the Judge, in spite of having no judicial work on hand, adjourned the case simply because he wwanted to have a holiday. It may be as some hon. Members have pointed out, there are individual cases of officers who are dilatory, but from the remarks made

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by my hon. Friend, Mr. Kondappa, it seems to me that he wants to generalize with regard to the whole service on the strength of a single instance.

"Now, Sir, as regards the High Court, I am sure hon. Members will remember that only recently the hon. the Judges of the High Court have issued a notification layingdown certain rules for expediting work and certain rules which should govern the granting of adjournments, because the granting of adjournments, as the House is aware, is the bane of judicial administration. I am not personally acquainted with the working of the High Court, but so far as my acquaintance with the administration of justice in the mufassal courts is concerned, I may mention a few points that really retard the speedy disposal of work in courts. We have for instance the indiscriminate and uncontrolled law reporting which is making the work of the courts dilatory indeed. Then, we have the importation of the Madras lawyers, which again has got a good deal to do with retarding the work of these courts; and lastly, there is the frequent transfers of judicial officers by the High Court or the Government as the case may be and naturally officers on the verge of transfer or retirement, are not so interested in the disposal of work on hand. These are some of the factors which retard the progress of the work in courts, but on the whole, I should think, that so far as the work in mufassal courts is concerned, it is not certainly so bad as to characterize it as tardy. My hon. Friend who spoke before me, has placed certain facts and figures with regard to details, but from study of those figures themselves, I am sure, the House will see that with a certain amount of touching up here and there it will be quite possible for the disposal of cases to be brought up to the mark. It may be remembered that though the aphorism that justice delayed is justice denied is correct, it is equally true that justice hurried is worse than justice delayed."

* The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"Sir, the criticisms that have been offered by my hon. Friends on this cut motion fall under two heads. The first criticism is the delay in the disposal of cases in the High Court and the second one is the delay in the disposal of cases in the subordinate courts. I shall first confine myself to the first point and that is the point particularly emphasised by the hon. Mover of the motion, Mr. Hameed Khan. I may say, in this connexion, that the High Court Judges themselves pay particular attention, as far as it lies in their power, to the disposal of cases as early as possible in the High Court. As my hon. Friend Mr. Hameed Khan himself stated, necessary steps, to enable Judges to dispose of cases as speedily as possible, have been taken. About two years ago on the recommendation of the High Court, the number of permanent Judges of the High Court was increased by two. As my hon. Friends are aware, the number of permanent Judges was 12 before and on the recommendation of the High Court, the Government took necessary steps and obtained the sanction of the Secretary of State for the addition of two more permanent Judges in the High Court. Then again,

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as my hon. Friend himself has admitted, some of the judicial powers which till then were being exercised by the High Court Judges themselves, were delegated to one of the Deputy Registrars who was thenceforward called the Master. Again, to relieve the congestion in the High Court and with a view to the speedy disposal of cases in the High Court, the Government on the recommendation of the High Court, are contemplating revision in the pecuniary jurisdiction of the City Civil Court. The High Court made a recommendation that the pecuniary jurisdiction of the City Civil Court, which as my hon. Friends are aware, is now only up to a limit of Rs. 2,500, which is less than the pecuniary jurisdiction of district munsifs in the mufassal, should be raised to Rs. 10,000. The High Court have also recommended that the City Civil Court may be invested with insolvency jurisdiction up to a limit of Rs. 2,500. The Government examined these proposals and are convinced that the High Court's proposals are on sound lines and after an examination of the Statute, they have come to the conclusion that it is not possible for the Local Legislature to undertake legislation for enhancing the jurisdiction of this court, because the local legislature has no power to interfere with the jurisdiction in any way of the High Court. If we raise the pecuniary jurisdiction of the City Civil Court to Rs. 10,000 and confer insolvency jurisdiction also to a limit of Rs. 2,500 we shall be interfering with the jurisdiction of the High Court on the Original Side. It is thus only the Central Legislature that can undertake legislation in this matter and the local Government have made a recommendation to the Government of India for undertaking the necessary legislation.

" Then, Sir, my hon. Friend Mr. Hameed Khan, on the question of delay in the disposal of cases in the High Court, referred to a cut motion notice of which has been given by another hon. Member, to the effect that one day's holiday in the middle of a week must be granted to all the hon. Judges of the High Court. My hon. Friend Mr. Hameed Khan is against that proposal. May I say that, in this respect, I believe the High Court Judges themselves will agree with him and I also agree with him? As a matter of fact, the power of granting or taking holidays rests in the High Court itself, and I feel confident that in the existing circumstances of the High Court, the learned Chief Justice and his Colleagues will not be desirous of taking holidays in the middle of a week generally. My hon. Friend then proceeded to say that they should sit even on Saturdays and he also added that the vacation that they now enjoy is rather too much. May I say that on these two points, I differ from my hon. Friend Mr. Hameed Khan? The Judges do want free days for the purpose of writing long judgments in important cases. No doubt, in ordinary and petty cases, particularly in second appeals, they may be able to write judgments, sometimes on the Bench itself and sometimes in the mornings in their houses, but in writing long judgments in important and complicated cases which involve a large number of points, they certainly do require time and I think it is very necessary that the learned Judges of the High Court should have Saturdays and Sundays for this purpose.

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3-45 p.m. " May I say that in my experience as a Judge for a brief period of four years, I found that Saturdays and Sundays were very useful for the purpose of writing judments in complicated cases ?

" With reference to the vacation, observations, I should say, irrelevant observations were made by certain members about the holidays that are alleged to be enjoyed by the Ministers, and I should say they are neither here nor there. With reference to the vacation of Judicial officers, I should say their work is particularly heavy and taxing, and I think it is but right that they should have such vacations. Further it has been the custom for High Court Judges and other Judges to enjoy vacations and I see no reason whatsoever to interfere with them.

" Mr. Shetty and several others referred to the delay in the disposal of cases in the mufassal courts. I am very sorry to say that there is some truth in their observations. There is delay in the disposal of cases in certain instances. And here again, I may say that the High Court are doing everything in their power to take steps to reduce this delay as far as possible. Perhaps my friends are aware that the High Court are calling for quarterly reports from the mufassal courts with reference to disposal of suits. As my Friend Mr. Manikkavelu Nayakar pointed out, the High Court in their annual administration report review the work of the Judicial officers and refer to the delay and apportion blame wherever they find it necessary. Hon. Members can thus see for themselves that everything possible is being done in the matter. Steps have also been taken for the speedy disposal of cases by the amendment of the Madras Civil Courts Act. Till about two years ago, when there were heavy arrears in a Munsif's court or in a Sub-court, the only step that Government could take was to appoint an additional Munsif's court or an additional Sub-Judge's court as the case may be, with all the necessary paraphernalia such as head clerks and so on. Now, by an amendment of the Madras Civil Courts Act, provision has been made to appoint, on the recommendation of the High Court, additional Munsifs and additional Sub-Judges in those Munsif's courts and Sub-Courts where there are arrears. So also, as my hon. Friends are aware, by a recent amendment of the Madras Civil Courts Act, power has been given for the appointment of additional District Judges in those District Courts where there are arrears of work. The High Court after examining the delay in the disposal of cases, have recommended to Government the opening of twelve additional temporary courts during the next year. But on account of the present financial stringency (laughter) it was found possible to sanction only four such courts. And the necessary provision has been made in the Budget for the coming year.

" Mr. Ramaswami Mudaliyar and some others suggested the appointment of a roving committee, and pointed out that that committee should go about the country and check the disposal of cases in the courts. And one of my friends also went to the length of saying that if a Judge was found guilty of delay, he should be sent home to sit quiet or allowed to practise again at the Bar as he likes (laughter). May I say that this is a very unsatisfactory proposal? I believe it will interfere very much with the independence of Judicial officers (hear, hear) and I am sure

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that everyone of my friends in this House is as anxious as myself to preserve the independence of the Munsifs, Sub-Judges and District Judges. For if the work of a Judge is to be judged by a committee, I am sure that every Judicial officer will feel that the post is not worth having. (Hear, hear.)

"Then my Friend, Mr. Ratnasabhapati Mudaliyar, said, with reference to the pay of Judicial officers, that the salary that is paid them is too high. May I tell him that I beg to differ from him?"

Diwan Bahadur C. S. Ratnasabhapati Mudaliyar:—"On a point of personal explanation, Sir, I did not say . . . " (Cries of 'Order, order' as both the hon. Members were on their feet.)

The hon. the President:—"The hon. Member from Coimbatore will resume his seat."

The hon. Diwan Bahadur Sir. M. Krishnan Nayar:—"Sir, I am glad that my hon. Friend thinks that there is some need for explanation, whatever that explanation may be; and in any case, Government do not believe that the present pay of the Judicial officers is high. As a matter of fact, the work of the Judicial officers is extremely taxing, both in the mechanical side and in the intellectual side. Sir, it is rather notorious that our Judicial officers, at least a very large percentage of them, suffer from diabetes and die wihtout earning pension. That is due largely to their sedentary habits which they are obliged to follow by reason of their heavy work. Considering these points, I do not think that the pay of our Judicial officers is in any way high.

"Then coming to the remark let fall by Mr. Kondappa and some others to the effect that the work of Judicial officers, though there may be some delay, should not be judged by a sort of arithmetical method, I agree fully with them. There are cases which may be disposed of very easily; but there are, on the other hand, cases which take days together and even months to be disposed of. Hundreds of witnesses will have to be examined; hundreds of documents will have to be scrutinized; arguments lasting for several days will have to be heard; and finally sufficient time will have to be taken for writing out judgments. All these, it is needless to say, must surely take time, and therefore it is not correct to say that because a certain Judge has disposed of only a few cases, there is great delay in the disposal of work in his court. So, if Government are to take into account the quantity of work alone, then surely their policy will affect the quality of the work of the Judicial officers. And I need not say that Government are quite alive to that danger.

"Lastly, may I refer to the suggestion made by my Friend, Mr. Arasu? He said that he did not want additional Judges to be appointed. He, however, wanted that a special Judge should be appointed for the purpose of deciding what he calls commercial cases. May I tell my friend that commercial cases as they exist in European and other Western countries are absent in our province? And for the very few cases which partake of that character, there are already rules in the Civil Rules of Practice. I have had several conversations with the Judges of the High Court on this matter and they invariably have told me, and I think that

my lawyer friends in the House who have experience of litigation in the High Court will agree with them that commercial cases, as is understood by that phrase in the West, do not exist here. The only cases which may be called by that phrase are only cases of promissory notes, of settlement of accounts, etc., and it was for that reason that the High Court thought it necessary to recommend to Government to raise the pecuniary jurisdiction of the City Civil Court to Rs. 10,000. If they thought that there was any necessity for a special Judge for dealing with commercial cases they would not have come forward with that recommendation.

" These, Sir, are my arguments against the cut motion and I hope my Friend Mr. Hameed Khan will withdraw his motion. "

The motion was by leave withdrawn.

* Mr. D. V. Narasimhaswami :—" Mr. President, Sir, I beg to move—

> ' *that the allotment of Rs.* 6,59,100 *for High Court be reduced by Rs.* 100 '

4 p.m. to draw the attention of the Government to the communal disproportion in the Judicial service and to press for communal justice in the matter of future recruitments and promotion. Sir, though the non-Brahmans, the Muslims and the depressed classes constitute about 90 per cent of the population of this province, we find in the Judicial Service only 30 per cent of them is represented. The hon. the Law Member, while he was on the non-official side, was a strong advocate of the non-Brahman cause, and now that he is the Law Member I hope he will take steps to secure adequate representation for the non-Brahman community in the Judicial Service. With regard to the recruitment of District Munsifs, though this Council has time after time passed resolutions, the High Court have paid no attention to them and they have been having their own ways in the matter. Sir, we have by the appointment of the Public Services Commission brought all the posts in the public service under Legislative control, and so I ask why not we adopt the same method with regard to the recruitment of District Munsifs.

" But by the time these non-Brahmans rise up from the position of District Munsifs if they are to go by seniority, it will really take a long time for them to become Sub-Judges or District Judges. Now, Sir, the only way for the Government coming to the rescue of the non-Brahmans is to recruit Sub-Judges and District Judges directly from the Bar. I may submit, Sir, this is not a new suggestion. Already, the previous Law Member, the hon. Sir C. P. Ramaswami Ayyar, set an example by recruiting one member of a particular community for the post of District Judge. Here we have got a precedent, Sir, and now the hon. the Law Member can as well follow that precedent, to see that the inequality is remedied. All that I say is that we do not want communal preferment, but we only want communal justice. Therefore, Sir, I earnestly appeal to the hon. the Law Member to see that the claims of non-Brahmans are recognized and that they are adequately represented in the Judicial Service."

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* Rao Bahadur T. A. Ramalinga Chettiyar:—" I should like to know, Sir, whether we cannot discuss the question of recruitment for the Judicial Services generally on this motion. We have only got about 40 or 50 minutes and the question of recruitment is specifically raised in this motion though not in a general form. I should like to know whether you would allow the general question to be discussed under this motion."

* The hon. the President:—" I will allow the general question to be discussed under this motion."

* Rao Sahib D. Krishnamurti:—" Sir, in rising to support the motion moved by Mr. Narasimhaswami, I have much pleasure in submitting to this House that this is a very old and chronic question. Time and again the opinion of this House has been expressed on this matter in sufficiently strong language, but unfortunately this knotty question has not yet met with justice at the hands of the High Court. The High Court which is supposed to be the palladium of justice is treating with any amount of injustice the claims of the various communities, non-Brahmans, Muhammadans, Christians and members of the depressed classes. (Hear, hear.) It is not for want of eligible and efficient men belonging to these communities; but it is a certain kind of reluctance to look facts in the face and an intention perhaps to keep these services a preserve to a particular community. A glance at the list of these appointments will convince any fair-minded person that there is an inordinate and unnecessary predominance of a particular community in these services while fairness and justice require that certain methods ought to be adopted with a view to preserve the honour and meet the claims of other communities. It is not a simple matter. This matter has been engaging the attention of the Government as well as this Council for a number of years, but unfortunately it must be said to the detriment of the non-Brahmans that their claims have been continuously ignored. The only course and perhaps the only reasonable course that must be followed now is to impress upon the hon. the Law Member the desirability of taking away the recruitment of these services from the hands of the High Court and placing it in the hands of some other body like the Public Services Commission, with a view to facilitate a policy of affording equality of opportunities to all communities. I am submitting to this House that these services not only carry with them big salaries, but also carry with them a certain kind of respect and a certain social status. They carry with them a certain amount of influence and have got a tendency to raise the social status and elevate the position of the various communities to which the members of the service belong. I may, Sir, without offence to some members of this House, submit that Sarishtadar or a Sub-Judge or a District Munsif of a particular community wields considerable influence in the places in which they work. It is no wonder that if members of the depressed classes, Mussalmans or non-Brahmans occupy these places, they would have a certain amount of influence upon the social condition of the various communities to which they belong. I submit, Sir, that this is a question on which there is strong feeling in this House and it is not a matter which can be delayed any longer not only with regard to the recruitment of Munsifs but also

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with regard to direct recruitment of Sub-Judges and District Judges. The latter question was once taken up, but unfortunately for the non-Brahmans, it was dropped. I see also a cut motion in the name of Rao Sahib B. Venkataramayya Nayudu to draw the attention of the House and the Government to the desirability of recruiting District Judges and Sub-Judges directly from the Bar. I understand, as I already said, this question was taken up once and facts and figures were also collected; but much to the disappointment of the non-Brahmans, it was dropped. There is no other course to adopt but to devise a new procedure and policy which would certainly secure for the non-Brahmans their legitimate and lawful share in various offices under the Government."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, this is not the first time that complaints are heard in this House about the proportion of appointments held in Judicial Service and in other services by the different communities. Well, Sir, certain rules have been framed and I believe they are being given effect to for the purpose of bringing about satisfaction to all the communities. I should think, Sir, that it is high time that reference to these matters we agree upon certain principles, and we ought to be satisfied that those principles are being followed and not to give room for any more heat among ourselves in these matters. But there are certain other matters which probably require attention. For instance, Sir, it has been the recommendation of the Public Services Commission as well as of people who thought about recruitment of officers after the Reforms, that there should be a body which is not connected with the political atmosphere, that should be charged with the duty of making recruitments to the several branches of the service. Such a body of an all-India character has been created for the whole of India, and we have followed the footsteps of that all-India organization and adopted the course of having a statutory body for the purpose of making recruitments. Now, Sir, in all cases recruitments to the higher services are made—I speak subject to correction—by the Public Services Commission, or, to use the euphemistic language which is ordinarily employed, these appointments are made on the recommendation of the Public Services Commission. But in this particular department, Sir, the recruitment is still in the hands of the High Court, so far as the District Munsifs are concerned. The High Court is certainly the highest Judicial authority in the Presidency, and I will be the last person to cast any aspersions on the way in which things are done by the hon. the Judges of the High Court. But at the same time, I could say, Sir, that the hon. the Judges of the High Court are not quite in touch with the people. They are more or less isolated, as they should be in their judicial work, and as Judges they should not be mixed up with the local feelings and local conditions or prejudices. So, they are a bit isolated and therefore they do not really understand the feelings that actuate the people, and the Government, as the custodians of the administration of justice, cannot really dictate to a body like the hon. the Judges who ought not to be in any way subordinate or accountable to the Government. I think it is a strange anomaly in this province that the Government should be responsible for the administration of justice, no doubt under the supervision of the High Court,

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but at the same time they should have no voice in the direct recruitment of persons who dispense with justice in the province. This is a matter which is peculiar to this province. All the provinces in India do not follow a settled practice, and here in Madras the appointment of District Munsifs is left to the hon. the Judges of the High Court. It seems to me that the Government must reconsider the position and they should exempt the hon. the Judges of the High Court from the rather difficult position in which they are at present placed. For the administration and for the allotments for pay of the officers, the Government are responsible, but for the recruitment to the appointments the High Court are responsible. I think it is a very anomalous and difficult position both for the High Court as well as the Government. So, I would suggest to the Government to consider whether this work of appointing District Munsifs and other officers cannot be taken away from the hands of the High Court and vested with the Public Services Commission. I submit, Sir, that in making these appointments the High Court is itself a bit handicapped. In regard to this matter, we in the mufassal have got a grievance and I, for one, consider it a legitimate grievance, that the mufassal practitioners have not got the same sort of chance for being appointed to the Judiciary as the people practising in the High Court. I do not say, Sir, that they purposely or with any settled intent, give preference to the practitioners in the High Court. It is not so. But the mere fact that the Judges happen to know some people personally and they know their merits, gives them a better chance. I have got nothing to say against the actual appointments made. They are all mostly, except when they are misled in a case or two, excellent appointments; and I have nothing to say about the appointments themselves. But it so happens that the hon. the Judges of the High Court come into contact with the practitioners in the High Court and they naturally give preference to those people, with the result that we in the mufassal have got a just grievance. It is also a fact that the hon. the Judges of the High Court know certain people in Madras and therefore very often it happens that influence, that is what we in the mufassal believe of the metropolis, tells against the mufassalites, as some people believe that appointments are given to people with recommendations got in the metropolis. It may be right or it may be wrong; I am not asserting it as a fact. But the mere fact that there is such a feeling and such a grievance is enough to make it incumbent upon the hon. the Judges of the High Court not to put themselves in that awkward situation, and for the Government to tell them that it is no longer their intention to continue them in this delicate position, and to take away the work of making appointments to the Judiciary from their hands and vest it in the Public Services Commission. There is one other matter about which I should like to talk in this motion. I have been speaking about the necessity for the change in the way in which recruitments are made to the cadre of District Munsifs. The Public Services Commission as well as several other committees which had to deal with the Judiciary have gone into the matter and come to this conclusion that at least a fair proportion of the higher appointments, i.e., of Sub-Judges and District Judges, should be made directly from the Bar. That was a

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recommendation which was made by the Lee Commission also. If I remember aright the Lee Commission made recommendations to reduce the number of I.C.S. officers in the Judiciary. They said that the remaining offices should be thrown open to the Provincial Service, a part of which should be open to the Judicial officers who are in the service and as District Munsifs, Sub-Judges and the other part should be recruited directly from the Bar. That is a recommendation which has been made by the Lee Commission itself. I think the Public Services Commission made the same recommendation before that. I should like to ask the hon. the Law Member, where do we stand with reference to this proposal. I know that some appointments were made, both of Sub-Judges and District Judges, directly from the Bar some years back. Where are we now? I believe the last appointment that was made was that of Mr. Chandrasekhara Ayyar about a couple of years ago. After that I do not think any appointment has been made from the Bar. Now, I should like to know when the recommendations of the Lee Commission are going to be given effect to. I believe the Lee Commission recommended about twelve appointments of District Judges to be thrown open to the officers outside the I.C.S. of whom, Sir, six, I believe, are to be from the Provincial Services consisting of Munsifs and Sub-Judges, and the other six to be directly recruited. Now, what is the position? When is effect going to be given to the recommendations of the Lee Commission, when are the appointments going to be made? And in making the appointments I would ask the Government again to vest the power in the Public Services Commission.

4-15 p.m. " No doubt, Sir, it is necessary to consult the High Court in certain matters. But I feel a difficulty in consulting the High Court in matters like this because the High Court comes in contact with only a section of the people. There are practitioners living in the mufassal. The High Court has no direct opinion of these people. The opinion of the High Court with reference to them will be that of the District Judges. The District Judges are not always the best Judges in so far as the recruitment to the higher grades of officers is concerned. Even if the opinion of the District Judges is to be obtained I do not see why it should be taken through the High Court instead of coming direct. Government have to consider other matters than the recommendations of the District and High Court Judges like character and a number of other things and they have to satisfy themselves. It seems to me that people living in the mufassal and particularly people who have to deal with particular Judges will be handicapped when appointments are made on the recommendation of people who are not directly in touch with the mufassal practitioners. Therefore the mufassal practitioners are always handicapped when appointments are made directly by the High Court or on the recommendation of the High Court. That is the position.

" In the matter of filling up vacancies in the High Court Bench the claims of the mufasal practitioners are not taken into consideration. Sir, the cases that come to the High Court are mostly appeals from the lower courts. So far as Judges dealing with these cases are concerned the person who has had mufassal practice who knows the situation there,

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who knows how things are done is, if anything, in a better position to deal with these matters than a man who only practices in the metropolis and deals only with appeals. I do not see any reason why the mufassal practitioners should not be considered as they have not been hitherto, in filling up vacancies in the High Court. That is a matter which the hon. the Law Member will have to consider. After all the practitioners in the mufassal, at least some of them, are as good as any practitioner in Madras. It may be that the practitioner in Madras may get more money but so far as real work, real character and real learning are concerned, I think one can find as good lawyers in the mufassal as in Madras. Such being the case I do not see why mufassal practitioners should be ignored in making appointments to the High Court. So, I beg to submit that we have to consider this question of recruitment to this Judiciary from the bottom to the top altogether and we have to frame, Sir, proper remedies. I hope the hon. the Law Member would have already considered the matter and will be in a position to tell us what he is going to do in these matters."

Mr. Mahboob Ali Baig:—" Mr. President, Sir, even at the risk of tiring the House and the hon. Members on the Treasury Bench I venture to reiterate the perpetuation of injustice done to certain communities in the Judicial department. I would not have done so if it were not for the fact that the attempt to do justice to communities in services has not been applied in this department. I mean to say that the communal Government Order has not been applied to this department. I have carefully examined the ratio obtained from this department of the several persons in the department belonging to different communities. The disparity is so glaring that a running man can find it out. And speaking for the Mussalmans the disparity is greater. In some grades of Judicial Service there are no Muhammadans at all at present. I mean the Subordinate Judge's grade. Even in the High Court there is not a single Muhammadan. It has often been said, Sir, when Muhammadans have raised this question that there are not sufficient numbers qualified to take up the appointments. As I have remarked in my previous speeches on this subject the excuse is nothing but a bogus one. There are Muhammadans who have been practising both in the High Court and mufassal, who have put in a lot of service and who have been dealing with very good cases and I do not know what is meant by saying that they are not efficient. And the Muhammadans all along have been pressing on the attention of the Government the injustice that is being done to them in all departments and nowhere is this injustice more than in this Judicial department. There is considerable amount of dissatisfaction, especially among the educated classes that their claims have not been taken into consideration. It is nothing but an insult to the intelligence of the Mussalmans to say that these persons who are double graduates and are earning their livelihood as vakils in the mufassal better than others of their standing and who have made their mark in the Bar are not competent and qualified men and that they are not forthcoming. I may reiterate again, Sir, that a double graduate, a Muhammadan graduate, is in no way inferior to a double graduate of any other community including even Brahmans. (Hear, hear.) So, it is a very

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serious matter and the Government is dealing with educated persons who are considerate. We never want that they should be appointed merely because they are Mussalmans. Therefore, Sir, it is very high time for the Government to allay the feelings of the Muhammadan public and an intelligent public and especially when they ask for mere justice."

* Mr. C. R. Parthasarathi Ayyangar:—" Persons who are appointed to the Judicial department must naturally possess evenly balanced temperament so that they may dispense even-handed justice to all parties whether they belong to this or that community. It is therefore very clear that any person who sits on the Bench cannot start with a communal bias for the result will be chaos and misunderstanding between different sections of the community. The natural result of their communal bias being carried to the Judicial department will inevitably be in the administration of justice being corrupted and be made a party question. It is really surprising that though this question has been mooted for any number of years, still the Members of the Council have not educated themselves into the right impression that in so far as Judiciary is concerned at least there must be no difference of opinion as to the nature of the persons to be recruited. The qualifications required are experience, capacity and the ability to understand the real points in issue. If you would consult the pages of the Law Reports, you will find that the judgments of Munsifs and Judiciary are being upheld by the Privy Council. The Privy Council have on several occasions remarked that the judgments of especially the courts of first instance, viz., the Munsif and the Subordinate Judges' Courts have been characterized by an evenly balanced appreciation of the evidence, oral and documentary in particular cases. It is not a matter of infrequent experience that the judgments of lower courts are confirmed while those of the appellate courts are reversed. Hence it is very clear that the system of appointment and recruitment of District Munsifs and Subordinte Judges is the very best and it could not possibly be altered without affecting the character and the capacity of the persons who should sit on the Bench to administer even-handed justice. Further, it is very clear that if any departure is to be made it will only be a leap in the dark and would inevitably lead to confusion, a result which should be devoutly avoided. The Judiciary according to the new ideas that we are going to expound in our new administration will be responsible for pointing out to the public at large the national ideals which are languishing for support and the ways in which they could be vivified so that they may stand out as ideals for the new Government to copy. This process is going on even at present for in matters of social life or of education or of religion, the old antiquated ideas will have to be given up and new progressive ideas will have to be pointed out by the Judiciary so that the legislature may collaborate with them in enacting new statutes which will have the effect of infusing new life and blood into the old questions so that they may be suited to modern conditions. If you analyse the Law Reports you will find that a considerable portion of the reports on litigation is taken up with questions relating to Hindu Law of Adoption, Succession and Women's Estate. You will find that the system of land

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tenures and mortgages occupy an equally important place in the Law Reports as reported. Therefore a good deal of work has to be done in respect of the exposition of archaic systems of law and Judges find themselves quite confused as to the way in which the old texts have to be interpreted according to modern ideas. Therefore the Judiciary will have to be a creative body of new and fresh ideas which will vibrate in resonance with the new life which is now circulating throughout India and the legislature I must also point out must be sufficiently keen enough to appreciate those circumstances so that the legislation that has now to be brought on the anvil must correspond to the new vital forces which are now being realised throughout the land.

" Therefore, these two departments, namely the Judiciary and the Legislature, should collaborate together, if you want that India should march on the new road of judicial advancement. But, if you want to continue to follow the archaic system of administering justice according to archaic laws, the position of India will be an anachronism in the onward march of civilisation in the modern world outside, and India will be handicapped by the fact that you are not able to grasp the new development of ideas, so that India cannot go forward along the world current and be the light of the world." 4-30 p.m.

Mr. Abdul Hameed Khan :—" Mr. President I wish to state in this connection, Sir, that when questions of communal justice in the recruitment for appointments are considered, it is necessary for us to find out what the fundamentals are that govern the procedure. There is no doubt in a country like ours that we have, besides the common law, various laws like the Hindu Law and the Muhammadan Law, which have to be dealt with in the administration of justice. It is also necessary that it should be the earnest endeavour of the Government to see that it encourages people belonging to the different communities, so that they might be responsible for the proper interpretation of the laws from the point of view of the various religions and of the various customs and habits of the people. So far as the Mussalmans are concerned, we have in this province time after time brought home to the Government that in the making of these appointments this community has suffered considerably. I have figures before me, Sir, which show clearly that in the Gazetted appointments, which include, I believe, the appointments in the High Court of Judicature, the District Judges, the Subordinate Judges and the District Munsifs, in the year 1924 there were only six Muslims as Gazetted officers, and I find in the year 1930 the same number continues. In the course of six years, the number has not undergone any change. In the Court of Small Causes there is only one Muhammadan gentleman; in the City Civil Court there is none, and in each of the offices of the Advocate-General, the Administrator-General and the Public Prosecutor, there is none. So in those various offices of the Judicial department there is not one Muhammadan. There is perhaps one Muslim Subordinate Judge, and I understand there are two District Judges who are permanent. Of course, the question of the appointment of a Muslim

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Judge to the High Court has been agitating the minds of the Muslim community for long, and representations have been made from various quarters in that behalf, and each time the answer came from the side of the Government that there were not efficient persons forthcoming in the province for appointment as Judges of the High Court. Sir, with regard to this question, I might tell the House that there are several lawyer Friends here present who are Mussalmans and there are several others outside this House, and if the Government could think of appointing them I have no doubt they will find a large number to recruit from. Recently, some appointments were made to the High Court, and I do not think that if we take the ordinary criterion on the basis of which appointments are made, the Mussalman legal profession will be found to be lacking in any respect behind other gentlemen who are appointed to the High Court Bench.

"Sir, with regard to the question of recruitment to the services that has been raised by my hon. Friend, Mr. Ramalingam Chettiyar, I do agree with him that the recruitment of District Munsifs should be transferred from the High Court to the Public Services Commission. Then, Sir, I do not know if he pursues his argument much further with regard to promotions also. Well, Sir, I would not agree that we should take the same principle with regard to promotions also, because it will be doing injustice to the people already in service, and it is just possible that those gentlemen who belong to particular communities which are not now well represented will also suffer, because there are many persons belonging to different communities other than Brahmans, who will certainly suffer if the question of communal consideration is stretched to promotions.

"Sir, I think it is better that in the initial stage, when recruitments are made, particular care should be taken to see that communal justice is done, and that even at the expense of reducing the numbers of a particular community which has been monopolising appointments in the judicial services, in order to enable members of other communities to come up to a certain level. The Government can consider that question and do communal justice at least so far as initial appointments are concerned."

* Sriman M. G. PATNAIK Mahasayo:—"One word, Sir, with regard to the Oriyas. Unfortunately for the Oriyas, there is very poor repesentation even in the Judical department. This morning I brought to the notice of the House that there is not one Oriya holding the appointment of the Deputy Superintendent of Police, when the hon. the Home Member was pleased to say that he could not find anybody among the Oriyas fit for the place. But in the case of the Judical department, there are a number of Oriyas who are fit to be appointed to these judicial posts. But, unfortunately, the word 'Oriya' is not found in the communal Government Order, because nobody remembers that Oriyas exist in this Presidency at all. (A voice: Are they not Non-Brahmans?)

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That is a mistake to suppose so. There are Brahmans and Non-Brahmans among the Oriyas. Because we are not cared for here, we wanted a transfer from this Presidency but we are not allowed to go and to be amalgamated with another province. Our case was not so bad in the pre-Reform days, when our local officers would understand our difficulties and would encourage us. Now, unfortunately, the Public Services Commission knows very little about Oriyas, nor do they care to know who the Oriyas are, and I am afraid that if these appointments are to be made by the Public Services Commission, they would do us scant justice. At least in those days the European Civilian officers took care to know our difficulties and to sympathise with us. I think the constitution of the Public Services Commission is such that it is independent even of the Government. If the appointments are in their hands, the Government will say ' we have nothing to do with appointments, and we cannot do anything. There is the Public Service Commission.' Therefore, I would prefer so far as Oriyas are concerned that the appointments should be made by the High Court, because there will be one or two Judges who had put in service in our district of Ganjam, but in the personnel of the Services Commission there is none who knows us. Therefore, I say that some special reference ought to be made in the communal Government Order with regard to the Oriyas; Oriya is only a geographical division, and among the Oriyas there are Brahmans, Non-Brahmans and even Muhammadans. Just as you have Andhra Muhammadans speaking Telugu, there are Oriya Muhammadans speaking Oriya. So the division as Brahmans and Non-Brahmans in the Government Order is not a logicial division, and will not help us, the Oriyas. You will have also to take the geographical division into consideration and include the claims of people like Oriyas, who are so very poorly represented in the services."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, at the outset, I may say that I quite understand and appreciate the strong feeling that exists in this House with reference to this question of recruitment to the Judiciary. Of course, there is the other side which I may say was so very ably represented by my hon. Friend, Mr. Parthasarathi Ayyangar. In this connection, I wish to take this opportunity of saying that the Brahman Munsifs, Brahman Sub-Judges, Brahman District Judges and the other Judges as a class are all very honourable, honest and capable. But, with reference to this particular question, I can quite understand the strength of feeling in this House.

" Now, with reference to the recruitments to the ranks of the Judiciary, as my hon. Friends are aware, the lowest rung in the Judicial ladder is that of the Munsifs, then come the Sub-Judges, then the District Judges and then the High Court Judges. As my hon. Friend, Mr. Ramalingam Chettiyar, more than once mentioned, the recruitment to the ranks of the Munsifs is entirely in the hands of the High Court under a statute. With reference to the necessity for recruiting Munsifs

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from other communities than the Brahman community, we forwarded to the High Court in the past, proceedings of this Council and the High Court has written to the Government that as far as efficiency permits they recruit Munsifs from the ranks of other communities also. My hon. Friend, Mr. Ramalingam Chetiyar, said in this connexion that this power of appointment of Munsifs should be transferred from the High Court to the Public Services Commission. I think it is not possible because the statute (The Madras Civil Courts Act) has specifically vested the power of appointment of munsifs in the High Court.

" Then, coming to the next rung in the ladder of Judicial office, namely, the Sub-Judges, the present practice is for the High Court to recommend, for the appointment of Sub-Judges, Munsifs who in their opinion are capable of doing work as Sub-Judges, and ordinarily the Government accept their recommendation. There is no direct recruitment to the rank of Sub-Judges. I may say that the Government are considering the question of making direct appointments to the ranks of Sub-Judges, and in considering that question, naturally this question of communal justice also will be considered by the Government. Of course, it is too early for me to say what the conclusion will be.

" Then, my hon. Friend, Mr. Ramalingam Chettiyar, said that he wanted to know how the position of the District Judges so far as direct appointments to this rank are concerned stands now. Now, the position is this. So far as the appointments of District Judges are concerned, there are only 26 appointments of District Judges. The Secretary of State has said that out of these, eleven appointments may be made as ' listed posts.' Of these eleven, six are reserved for the Provincial service and five are reserved for the Bar. In this connexion I may refer to the arguments of my Mussalman Friends. I am quite in sympathy with their aspirations and say that in the ranks of the District Judges who have been primarily recruited from the Bar, there are two Muhammadan Judges who are permanent. Two in a list of five appointments, it cannot be said, I believe, is an inadequate representation.

4-45 p.m. " With reference to the claims of the Muslim community I may say again that the Government are alive to their sense of responsibility and wherever possible they will do what they can to help them. I may point out in this connexion, that the Chief Judge of the Presidency Small Cause Court is a Muhammadan gentleman and that the Chief Presidency Magistrate is also a Muhammadan gentleman. The observations of my hon. Friends Messrs. Mahboob Ali Baig and Hameed Khan will, I may add, be borne in mind.

" With reference to the High Court Judges, the position is this. In the first place the appointment rests really with His Majesty the King on the recommendation of the Secretary of State. The local Government does not possess even the power to make recommendations. But whatever is possible will be done. I believe that these are the only

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points to which reply is needed. In conclusion, I may say that, as was done on former occasions with reference to this communal representation, I shall forward copies of these discussions to the High Court."

The motion was put and carried.

Demand XII—Administration of Justice—Reserved for Rs. 85,82,200 minus Rs. 100 was put and carried and the grant made.

DEMAND XIII—JAILS—RESERVED.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, on the recommendation of His Excellency the Governor, I move—

'*that the Government be granted a sum not exceeding Rs.* 27,27,700 *under Demand XIII—Jails—Reserved.*'."

* Mr. SAMI VENKATACHALAM CHETTI:—" Sir, I beg to move—

'*that the allotment for Jails—Reserved for Rs.* 21,86,000 *be reduced by Rs.* 100.'

for the purpose of censuring the administration of jails.

" Sir, I think I had better preface my remarks by saying that when I gave notice of this motion the Gandhi-Irwin Pact was not known. I therefore used the word 'censure' though what I really had in mind was the necessity to urge for a thorough information of the jail administration. I request the hon. the Law Member therefore not to get agitated. (The hon. Diwan Bahadur Sir M. Krishnan Nayar:—I never feel agitated on anything.) (Laugher.) I see. Well, Sir, then I request that he might be responsive to the criticisms made with regard to the jail administration and induced to take in a little of the zeal for reform which younger men may feel on this question. Sir, the hon. the Law Member is past the age of having any zeal for reform. (A voice: Hear, hear.) I request therefore that he might be so minded as to take that zeal from the Members of this House and investigate into the conditions prevailing in the jails of this presidency to-day. Sir, the jail is a hoary institution and as such the conditions prevalent therein are reminiscent of mediaeval ages. Sir, in other countries jail reform has progressed considerably that they are to-day largely houses of reform but the jails in our presidency and in our country remain still as institutions where humanity dare not step in at all. Ideas of punishment have undergone considerable change and the view that is taken to-day of the purpose of jails is that they might serve as schools of reform for those people who happen to commit offences against society. It is from that point of view that I ask this Government to view the administration of jails and make such reform as would be consonant with the prevailing notions of reform of jails in other countries.

" Sir, jails are sealed books to the public. Nobody knows what is happening actually behind the closed bars of the jails. They would have remained a sealed book even now but for the political workers who for having disobeyed laws, were imprisoned in them. It is through them

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that we now know the conditions prevailing there. Sir, instead of dismissing the statements of these political workers who have suffered imprisonment as mere personal grievances or as grievances without any foundation, it would be profitable for the Government if they take advantage of these representations and find out what the real state of affairs is and if their representations were true to remedy the defects and see whether improved methods should not be introduced. Sir, the searchlight of criticism is now very much upon the jail administration. The sacrifices which these political workers have made not only outside the jails but also inside the jails to the extent of even losing their lives have thrown a flood of light upon these institutions. Sir, one Jitendranath Das had to sacrifice his own life in order to impress upon the authorities the inhuman conditions prevailing in the jails. Owing to the prejudice the Government had against the Civil Disobedience Movement and against the political workers it might not have been expedient for them at one time to recognize the existence of such inhumanity in the jails. But now that that atmosphere has changed it is advisable that the Government should, instead of being coerced, take upon themselves the responsibility of examining these conditions. It necessitated the sacrifice of more than one soul to make the Government of India agree to the classification of prisoners under three heads. Political workers who had a standing and status in life were, at the discretion of the convicting Magistrate, put in what is called A class. Sir, so far as the physical comforts of those who were put in A class are concerned, I am in a position to say that there is not much to complain. There is undoubtedly the restraint on liberty, and the refusal to give readable books and such other harmless amenities. But in spite of it all, there is the undoubted fact that A class prisoners are better treated. Now coming to B class prisoners, I am afraid, Sir, I cannot say the same thing. I learn that needless restrictions are placed upon them. The distinction that was drawn between the status in life of the so-called A and B class prisoners is very delicate. Most of those persons who were condemned to B class could easily have been put in A class; but the prejudices of the convicting Magistrates had a lot to do in making this classification. The result of this is that B class prisoners though they were equal in status to A class prisoners had to suffer many indignities. This could have been easily avoided by a more liberal policy on the part of the Government. Sir, coming now to C class prisoners who constitute the permanent population of the jails, I am afraid the stories that we hear about their condition of life in jails would do credit to no administration. Sir, it is said that in order to know the actual prison life one must be actually in prison and then only one would be able to realize what prison-life means. As a matter of fact, social workers in other countries have of their accord, in order to gain first-hand knowledge of the conditions of life in jails, gone in as convicts, of course only with the knowledge of the superior authorities keeping the jail officials alone completely in ignorance of the real object of these social workers. No such thing is happening in this country. The hon. the Law Member is blissfully unaware of the conditions of jail life. I do not know if, during this tenure of office so far, he has visited the

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jails more than once or twice. But even when he visits, as when distinguished persons visit the jails, he can only see the bright side of things. If there is anything—certainly there will be many such things—that ought not be seen by superior officers, it will certainly be concealed from their view. Therefore the hon. the Law Member cannot be in a position to appreciate the miserable conditions prevailing in the jails to-day. But having regard to that fact, he must lend a listening ear to the representations made by ex-prisoners—persons who had been convicted of offences not involving moral turpitude.

"There are to-day fortunately hundreds of them available. There is no motive for these persons to misrepresent what happened in jails."

The hon. the PRESIDENT:—"Cannot the debate be continued to-morrow?"

Mr. SAMI VENKATACHALAM CHETTI:—"Yes, Sir."

The hon. the PRESIDENT:—"The House will now adjourn to meet again at 11 a.m. to-morrow."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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